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Filing date: **10/01/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050200
Party	Plaintiff Game Sportswear, Ltd.
Correspondence Address	Thomas A. Gallagher 107 Barclay Drive Stamford, CT 06903 UNITED STATES tomgallagher@mac.com
Submission	Motion for Summary Judgment
Filer's Name	Thomas A. Gallagher, Esq.
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Signature	/tag/
Date	10/01/2009
Attachments	rGameMSJo_julia.pdf (149 pages)(10382340 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No.: **2720097**

For the mark: **GAME**

Registered: **May 27, 2003**

Game Sportswear, Ltd.,)	
Petitioner,)	
)	
v.)	Cancellation No. 92050200
)	
Vandous E. Stripling,)	
Registrant.)	

PETITIONER’S MOTION FOR SUMMARY JUDGMENT

Petitioner, Game Sportswear, Ltd. (“Petitioner”) hereby moves the Trademark Trial and Appeal Board (the “Board”) for summary judgment under the Federal Rules of Civil Procedure 56(c), granting cancellation of U.S. Trademark Registration Number 2,720,097 (the “097 Registration” or the “Registration”). Petitioner’s Motion is supported by the Memorandum and Exhibits attached hereto.

MEMORANDUM IN SUPPORT OF PETITIONER'S
MOTION FOR SUMMARY JUDGMENT

I. INTRODUCTION

Petitioner has brought the subject cancellation proceeding against the '097 Registration because it is being damaged by the Registration insofar as its own applications are being denied registration in view of the '097 Registration. See EXHIBIT A. As set forth more fully in this memorandum and the exhibits attached hereto, this motion is made on the ground that the Registrant committed fraud in procuring the Registration by making material misrepresentations of fact regarding the use of the word GAME as a trademark on goods (listed in the Application and the Notice of Allowance) and/or that the Registrant has abandoned use of the mark on the goods listed in the Registration. Although the Registrant *may* have had a *bona fide* intention to use the word GAME as a trademark on the goods listed in the Application when the Application was filed, the Registrant knew that the word GAME was *not* being used on all of these goods when he filed the Statement of Use stating that the word GAME was being used on all of the goods listed in the Notice of Allowance.

Accordingly, the Petitioner requests that the Board cancel the Registration in light of the fraud committed by the Registrant in filing the Statement of Use and/or in light of the Registrant's abandonment of the mark.

II. UNDISPUTED FACTS

1. Petitioner is now and has been for many years engaged in the sale of clothing, namely sports jackets, sweat suits, various athletic wear and sportswear.
2. Petitioner is now and has been using the mark G GAME SPORTSWEAR on such goods since at least as early as 1992.
3. Petitioner is also the owner of U.S. Trademark Registrations number 2,374,092 and number 3,487,044 for the mark G GAME SPORTSWEAR in International Class 25.
4. In an effort to naturally expand Petitioner's brand recognition. Petitioner has filed application serial number 77126502 for GAME and Design, being the same design as shown in the specimens submitted in Registrations number 2,374,092 and number 3,487,044 and has filed application serial number 77126522 which is similar to serial number 77126502.
5. The goods listed in the Registrant's registration are similar to and overlap with the goods sold by the Petitioner.
6. Petitioner's applications serial number 77126502 and serial number 77126522 have been refused because of a likelihood of confusion with the mark in the '097 Registration.

7. On July 18, 2001, Registrant electronically filed application serial number 78074635 (the “‘635 Application”, the application which matured into the Registration) alleging a *bona fide* intention to use the word GAME as a trademark on the following goods: “T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat [sic.]” The complete file history of the ‘635 Application (as made available electronically from the USPTO web site) is attached hereto as EXHIBIT B.

8. On February 19, 2002, a Notice of Allowance issued in the ‘635 Application listing the following goods: “T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat [sic.]”, the same goods listed in the ‘635 Application.

9. On July 2, 2002, the Registrant signed a Statement of Use and a Certificate of Mailing for filing in the ‘635 Application. The Statement of Use states that the mark is being used “in commerce on or in connection with all of the goods/services listed in the Application/Notice of Allowance”. The Statement of Use describes the specimen as a “sleeveless T-shirt with the mark GAME across the chest and on the back neck.”

10. On July 11, 2002, the Statement of Use and specimen were apparently filed by certified mail addressed to “Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513”. Some of these documents were apparently retransmitted by facsimile transmission on October 16, 2002 and November 20, 2002 to fax number 703-308-7186. The Statement of Use lists March 5, 2002 as the date of first use in commerce.

11. The specimens of record in the '097 Registration file are a facsimile of two shirts with the word GAME ornamenting the fronts of the shirts (the neck tags on the shirts cannot be seen to display the word GAME) and a facsimile of a document with the word "hangtag" written next to it.

12. On May 27, 2003, the '097 Registration issued listing the goods: : "T-SHIRTS, SHIRTS, SWEAT SHIRTS, SWEAT PANTS, PANTS, SHORTS, HATS, CAPS, VISORS, SOCKS, UNDERWEAR, SHOES, SANDALS, JACKETS, COAT [sic.], IN CLASS 25 (U.S. CLS. 22 AND 39)."

13. On June 12, 2009, the Petitioner served Interrogatories and Document Requests (collectively "discovery requests")¹ by email to the Registrant at his email address game97@juno.com. The Petitioner's discovery requests (and Initial Disclosure) are attached hereto as EXHIBIT C

14. In response to the Petitioner's discovery requests, the Registrant sent ten emails to the undersigned attorney for the Petitioner. Three emails were dated June 22, 2009; two were dated July 7, 2009; three were dated July 13, 2009; and two were dated July 20, 2009. Some of the emails included color photographs as attachments. All of the emails are reproduced and attached hereto as EXHIBIT D.

¹ The Petitioner's Initial Disclosure was served, pursuant to the schedule set forth in the Board's order of March 3, 2009, on June 3, 2009.

15. Petitioner's discovery requests include document request #1 which calls for "[a]ll Documents that can be used by the Registrant to prove use of the mark GAME on clothing in commerce as of March 5, 2002."

16. Petitioner's document request #2 calls for "[s]ample goods or photographs of sample goods listed in Registration 2720097 and bearing the mark GAME, i.e. 'T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat.' In other words, one sample or photo of each of the clothing items listed showing use of the mark on the clothing item."

17. Petitioner's interrogatory #5 requests that the Registrant "[s]tate with specificity the date of first use in commerce, if any, by Registrant of the Mark in connection with each of the goods listed in the Application" and Petitioner's document request #5 calls for "[a]ll Documents that can be used by the Registrant to support Registrant's answers to Petitioner's Interrogatories."

18. As described in more detail below in the Argument section of this memorandum, the Registrant has failed to address the Petitioner's discovery requests in the manner requested (see the definitions and instructions included in the discovery requests). Moreover, the information and documents provided by the Registrant fail to establish use of the word GAME as a trademark on any goods as of March 4, 2002. In addition, none of the evidence provided by the Registrant establishes that the word GAME was ever used as a trademark on shorts, visors,

socks, underwear, shoes, sandals, jackets, or coats (more than half of the goods listed in the Registration).

III. ARGUMENT

Summary judgment should be granted where it is shown that there is no genuine issue of material fact, and the moving party is entitled to judgment as a matter of law. See Federal Rule Civil Procedure 56(c); *see also Medinol Ltd. v. Neuro VASX Inc.*, 67 USPQ2d 1205 (TTAB 2003). As the Federal Circuit stated in *Pure Gold, Inc. v. Syntex (U.S.A.), Inc.*, 222 U.S.P.Q. 741, 743 (Fed. Cir. 1984):

The basic purpose of summary judgment procedure is one of judicial economy -- to save the time and expense of a full trial when it is unnecessary because the essential facts necessary to decision of the issue can be adequately developed by less costly procedures, as contemplated by the FRCP rules here involved, with a net benefit to society.

As the moving party, Petitioner has the burden of demonstrating that it is entitled to summary judgment. *Celotex Corp. v. Catrett*, 477 U.S. 317, 324-25 (1986). If Petitioner meets its burden of identifying undisputed facts entitling it to relief, Registrant must submit specific facts showing that there is a genuine issue for trial. *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986). These general principles of summary judgment apply under Federal Rule of Civil Procedure 56 to *inter partes* proceedings before the Board. *See e.g., Sweats Fashions, Inc. v. Pannill Knitting Co.*, 833 F.2d 1560, 4 U.S.P.Q.2d 1793, 1797 (Fed. Cir. 1987).

In the instant case, Petitioner contends that Registrant, at the time he signed and filed the Statement of Use, was not using the word GAME as a trademark on any goods. The specimen submitted with the Statement of Use showing the word GAME on T-shirts does not show a trademark use but rather an ornamental use. *See generally* TMEP §1202 *et seq.* The specimen showing the word GAME on a hangtag might have qualified as a trademark use but there is no evidence that the Registrant ever used a hangtag on any goods in commerce prior to or subsequent to the filing of the Statement of Use.

Even if one were to construe the contents of the Registration file history as establishing use of the word GAME as a trademark in commerce on T-shirts at the time of the Statement of Use, there is no evidence that the word was used as a trademark on any other type of clothing prior to or at the time the Statement of Use was filed.

Petitioner's discovery requests asked the Registrant to provide evidence to support use of the word GAME as a trademark in commerce on the goods listed in the registration as of the date specified in the Statement of Use. The Registrant has not provided any evidence of such use. The photographs provided by the Registrant are either undated or recently dated and do not show use of the word GAME as a trademark on all of the goods listed in the registration. The only "document" provided lists only shirts as being for sale.

The record amply demonstrates that the Registrant is a sole proprietor and personally controls every aspect of his business, even representing himself *pro se* in this proceeding. The Petitioner's discovery requests clearly requested all evidence that could be used to demonstrate

use of the registered mark on all of the goods listed in the Registration. The evidence supplied



by the Registrant only shows a trademark use of the mark² and no trademark use of the word GAME by itself. The only use of the word GAME is as ornamentation rather than as a brand. Moreover, the only use of the mark



is on t-shirts and sweat shirts. There is no use of either mark (either as a brand or as ornamentation) on shorts, visors, socks, underwear, shoes, sandals, jackets, or coats (more than half of the goods listed in the Registration).

From the foregoing undisputed facts, it can be concluded that the Registrant signed the Statement of Use knowing that the mark was not then in use on all of the goods listed in the Statement of Use. It can also be concluded that the mark is not currently being used as represented by the Registrant in the Statement of Use. Given, by the Registrant's own admission in answering the discovery requests, that no other evidence of use is available, it can be concluded that the mark was never used as represented by the Registrant in the Statement of Use.

² The mark "GG GAME" is the subject of a separate registration number 2757404 which is not part of this proceeding.

The facts in the present case are similar to those in *Medinol Ltd. ("Medinol")*, *supra*. In that case, the registrant submitted a Statement of Use which included an allegation of use on certain goods, which registrant later admitted it was not using with its mark in the United States at the time of filing the Statement of Use. The false statements in the Statement of Use by the owner of the mark were then relied upon by the United States Patent and Trademark Office in determining the applicant's rights to the registration. Like *Medinol*, in the present case, Registrant submitted under warning of penalty the Statement of Use which alleged use of the mark on certain goods. The Registrant has now admitted (by response to discovery requests) that he was not using the mark on those goods and for that matter, has never used the mark on those goods.

The Federal Circuit recently decided *In re Bose Corp.*, 91 USPQ2d 1938 (Fed. Cir. 2009) in which the standard for determining whether a trademark registration was obtained by fraud was reconsidered. Prior to the *Bose* decision, an oath or declaration was considered to be fraudulent if the signatory “knew **or should have known**” that the oath or declaration contained a material false statement. The court decided that consideration of what the signatory “should have known” lowered the fraud standard to a simple negligence standard. Citing *Medinol* with approval, the court held that that to determine whether a trademark registration was obtained fraudulently, “[t]he appropriate inquiry is ... not into the registrant's subjective intent, but rather into the objective manifestations of that intent.... We understand the Board's emphasis on the “objective manifestations” to mean that “intent must often be inferred from the circumstances and related statement made. ... We agree.” 91 USPQ2d at 1940 [citations and internal quotation marks omitted]. Though the Board in *Medinol* paid lip service to the “knew

or should have known” standard, the cited reasoning regarding “objective manifestations” was adopted by the Federal Circuit in *Bose*.

The *Bose* court noted that prior fraud decisions can be useful if one does not unduly focus on the phrase “should know” and ignore the facts of the case, i.e. what the registrant knew³ at the time. 91 USPQ2d at 1941. In the present case, the Registrant clearly knew that the mark was not being used on all of the goods listed in the Statement of Use when he signed it. The Statement of Use clearly includes a warning as to the consequences for false statements and the instructions for filing the statement of use explain how to amend the listing of goods to delete goods on which the mark is not being used.

For the foregoing reasons, it is respectfully requested that the Petitioner’s Motion for Summary Judgment be granted on the grounds of Registrant’s fraud and/or abandonment.

/tag/

Thomas A Gallagher
Attorney for Petitioner

THOMAS A GALLAGHER, ESQ..
107 Barclay Drive
Stamford, CT 06903

(203) 329-9898

tomgallagher@mac.com

³ The Court did not decide whether “reckless disregard of truth or falsity” satisfies the intent to deceive requirement and suggests that prior precedents regarding this standard still apply. 91 USPQ2d at 1941 and 1942 n.2

Certificate of Service

I, Thomas A. Gallagher, attorney for the Petitioner, certify that a true copy of the foregoing Petitioner's Motion for Summary Judgment together with the following attached Exhibits was served by me by electronic mail addressed to:

game97@juno.com on September 30, 2009.

/tag/

Thomas A Gallagher
Attorney for Petitioner

EXHIBIT A

To: Game Sportswear, Ltd. (iplaw@bestweb.net)

Subject: TRADEMARK APPLICATION NO. 77126502 - GAME - GAME stylize

Sent: 12/10/2007 8:39:47 AM

Sent As: ECOM103@USPTO.GOV

Attachments: Attachment - 1
Attachment - 2
Attachment - 3
Attachment - 4
Attachment - 5
Attachment - 6
Attachment - 7
Attachment - 8
Attachment - 9
Attachment - 10
Attachment - 11
Attachment - 12
Attachment - 13
Attachment - 14
Attachment - 15
Attachment - 16
Attachment - 17
Attachment - 18
Attachment - 19
Attachment - 20

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/126502

MARK: GAME

77126502

CORRESPONDENT ADDRESS:

THOMAS A GALLAGHER
60 LONG RIDGE RD STE 407
STAMFORD, CT 06902-1842

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Game Sportswear, Ltd.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

GAME stylize

CORRESPONDENT E-MAIL ADDRESS:

iplaw@bestweb.net

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: 12/10/2007

This application has been reassigned to the undersigned attorney because the previous attorney is no longer with the Office.

This letter responds to the applicant's communication filed on November 2, 2007.

The applicant's substitute drawing and color claim and color location statement have been entered in the record. With regard to the Section 2(d) refusal, the applicant has not responded however the refusal is maintained and repeated herein. Please note that a review of the recitation of goods has revealed the following issues which must be addressed.

INCORRECT CLASSIFICATION OF GOODS

The applicant has classified reflective safety vests and parkas with and without hoods, reflective safety pants in International Class 25. The correct classification is International Class 9. The applicant must either delete those goods or add International Class 9 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

The applicant has classified stadium blankets in International Class 25. The correct classification is International Class 25. The applicant must either delete those goods or add International Class 24 to the application. 37 C.F.R. §§2.32(a)(7) and 2.85; TMEP §1401.04(b).

ADDING A CLASS

If applicant prosecutes this application as a combined, or multiple-class application, applicant must comply with each of the following for those goods an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods by international class with the classes listed in ascending numerical order; and
- (2) Applicant must submit a filing fee for each international class of goods not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>).

37 C.F.R. §2.86(a)(2); TMEP §§810 and 1403.01.

Please note the stated refusal refers to Class 25 only and does not bar registration in the other classes.

SECTION 2(d) REFUSAL CONTINUED

Registration of the proposed mark is refused because of a likelihood of confusion with the mark in U.S. Registration No. 2720097. Trademark Act Section 2(d), 15 U.S.C. §1052(d); TMEP §§1207.01 *et seq.*

Test for Likelihood of Confusion:

Taking into account the relevant *du Pont* factors, a likelihood of confusion determination in this case involves a two-part analysis. First, the marks are compared for similarities in appearance, sound, connotation and commercial impression. *In re E.I. du Pont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (C.C.P.A. 1973). Second, the goods or services are compared to determine whether they are similar or related or whether the activities surrounding their marketing are such that confusion as to origin is likely. *In re National Novice Hockey League, Inc.*, 222 USPQ 638 (TTAB 1984); *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re Int'l Tel. and Tel. Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Prods. Co. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); TMEP §§1207.01 *et seq.*

The goods and/or services of the parties need not be identical or directly competitive to find a likelihood of confusion. Instead, they need only be related in some manner, or the conditions surrounding their marketing are such that they would be encountered by the same purchasers under circumstances that would give rise to the mistaken belief that the goods and/or services come from a common source. *On-line Careline Inc. v. America Online Inc.*, 229 F.3d 1080, 56 USPQ2d 1471 (Fed. Cir. 2000); *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Melville Corp.*, 18 USPQ2d 1386, 1388 (TTAB 1991); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Prods. Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re Int'l Tel. & Tel. Corp.*, 197 USPQ 910 (TTAB 1978); TMEP §1207.01(a)(i).

Comparison of Parties' Marks:

Applicant's proposed mark is "GAME" in a specialized font. Registrant's mark is "GAME" in standard characters. The parties' marks are similar in that they are identical in sound and commercial impression. Applicant's stylization of the literal matter "GAME" does not significantly distinguish Applicant's mark from Registrant's.

Comparison of the Parties' Goods:

Applicant makes sundry clothing items, including t-shirts, sweatshirts, and sweatpants. Registrant produces sundry clothing items, including t-shirts, sweatshirts, and sweatpants. Accordingly, the parties produce identical goods.

Neither the application nor the registration contain any limitations regarding trade channels for the goods and therefore it is assumed that registrant's and applicant's goods are sold everywhere that is normal for such items, i.e., clothing and

department stores. Thus, it can also be assumed that the same classes of purchasers shop for these items and that consumers are accustomed to seeing them sold under the same or similar marks. *See Kangol Ltd. V. KangaROOS U.S.A. Inc.*, 974 F.2d 161, 23 USPQ2d 1945 (Fed. Cir. 1992); *In re Smith and Mehaffey*, 31 USPQ2d 1531 (TTAB 1994).

Attached are copies of printouts from the USPTO X-Search database, which show third-party registrations of marks used in connection with the same or similar goods and/or services as those of applicant and registrant in this case. These printouts have probative value to the extent that they serve to suggest that the goods and/or services listed therein, namely, Clothing, namely, golf shirts, polo shirts, tennis shirts, t shirts, crew shirts, warm-up suits, pullovers, shells, warm-up jackets, warm-up pants, tear-away pants, open bottom pants, fleece sweats, sweatshirts, sweat pants, hooded sweatshirts, wool and leather varsity jackets, wool varsity jackets, wool and polyester varsity jackets, stadium blankets, wool and leather corporate jackets, wind and water resistant shirts, jackets and vests, parkas, hunting jackets, workwear jackets with and without hoods, work shirts, zippered turtleneck shirts, reflective safety vests and parkas with and without hoods, reflective safety pants, “ and “T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coats”, are of a kind that may emanate from a single source. *In re Infinity Broadcasting Corp. of Dallas*, 60 USPQ2d 1214, 1218 (TTAB 2001), *citing In re Albert Trostel & Sons Co.*, 29 USPQ2d 1783, 1785-86 (TTAB 1993); and *In re Mucky Duck Mustard Co., Inc.*, 6 USPQ2d 1467, 1470 at n.6 (TTAB 1988)., Given the parties’ similar marks and identical goods, registration is refused pursuant to Trademark Act §2(d).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

/Lesley LaMothe/

Trademark Attorney

Law Office 103

571-272-9184

lesley.lamothe@uspto.gov

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

Print: Dec 9, 2007

78576905

DESIGN MARK

Serial Number

78576905

Status

REGISTERED

Word Mark

DARK-HUNTER

Standard Character Mark

Yes

Registration Number

3082141

Date Registered

2006/04/18

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Kenyon, Sherrilyn INDIVIDUAL UNITED STATES 1428 Savannah Park Drive
Spring Hill TENNESSEE 37174

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing for men, women and children, namely, golf shirts, t-shirts, sweatshirts, tank tops, plastic baby bibs and baby bibs not made out of paper, aprons, underwear and hats. First Use: 2001/03/18. First Use In Commerce: 2001/03/18.

Filing Date

2005/02/28

Examining Attorney

ERVIN, INGA

Attorney of Record

Robert L. Baker

Dark-Hunter

DESIGN MARK

Serial Number

78601529

Status

REGISTERED

Word Mark

CANYON RANCH

Standard Character Mark

Yes

Registration Number

3190074

Date Registered

2006/12/26

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

CR License, LLC LTD LIAB CO ARIZONA 8600 East Rockcliff Road Tucson
ARIZONA 85750

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing,
namely, golf shirts, t-shirts, tank tops, tennis wear, shorts, gym
shorts, wind-resistant jackets, bras, tights, sweat pants, sweat
shirts, sweat suits, jackets, knit shirts, sport shirts, pants, hats,
robes, socks. First Use: 1984/09/01. First Use In Commerce:
1984/09/01.

Prior Registration(s)

1350012;1402143;1409026;AND OTHERS

Filing Date

2005/04/04

Examining Attorney

SMITH, REBECCA

Attorney of Record

Print: Dec 9, 2007

78601529

Jennifer A. Van Kirk

CANYON RANCH

Print: Dec 9, 2007

78620128

DESIGN MARK

Serial Number

78620128

Status

REGISTERED

Registration Number

3082582

Date Registered

2006/04/18

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Communities in Schools, Inc. CORPORATION GEORGIA 277 South Washington Street, Suite 210 Alexandria VIRGINIA 22314

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Shirts, tank tops, golf shirts, T-shirts, caps, and shorts. First Use: 1996/08/00. First Use In Commerce: 1996/08/00.

Description of Mark

The mark consists of a dancing figure with a graduation cap.

Filing Date

2005/04/29

Examining Attorney

HOFFMAN, DAVID

Attorney of Record

Nancy Oliver LeSourd



DESIGN MARK

Serial Number

78635007

Status

REGISTERED

Word Mark

SID VEGAS

Standard Character Mark

Yes

Registration Number

3092955

Date Registered

2006/05/16

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

HALL, DANIEL M. INDIVIDUAL UNITED STATES 1862 Walker Lane Henderson
NEVADA 89014

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Wearing
apparel, namely, golf shirts, T-Shirts, sweatshirts, collared shirts,
sweaters, blouses, jogging suits, shorts, pants, skirts, warm-up
suits, swimwear, ties, jackets, hats, caps, bandannas, and suspenders.
First Use: 2005/08/01. First Use In Commerce: 2005/08/01.

Name/Portrait Statement

The name "SID VEGAS" does not identify a living individual.

Filing Date

2005/05/23

Examining Attorney

TANNER, MICHAEL

Attorney of Record

CHRISTOPHER M LAW

SID VEGAS

Print: Dec 9, 2007

78703133

DESIGN MARK

Serial Number

78703133

Status

REGISTERED

Word Mark

JETBLUE

Standard Character Mark

Yes

Registration Number

3331434

Date Registered

2007/11/06

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

JetBlue Airways Corporation CORPORATION DELAWARE 118-29 Queens Blvd.
Forest Hills NEW YORK 11375

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing for men, women and children, namely, polo shirts, golf shirts, t-shirts, sweaters, sweat shirts, hats, visors, jackets, ponchos, rain coats, baby bibs composed of cloth and/or plastic, baby bonnets, one-piece clothing for babies. First Use: 2001/10/17. First Use In Commerce: 2001/10/17.

Prior Registration(s)

2449988;2451955;2896785;AND OTHERS

Filing Date

2005/08/30

Examining Attorney

MAYERSCHOFF, GLENN

Attorney of Record

Print: Dec 9, 2007

78703133

Joseph F. Nicholson

JETBLUE

DESIGN MARK

Serial Number

78906460

Status

REGISTERED

Registration Number

3337304

Date Registered

2007/11/13

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(2) DESIGN ONLY

Owner

Roldan, Stephanie INDIVIDUAL UNITED STATES 18132 Coachmans Road
Germantown MARYLAND 20874

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Full line of apparel, namely, dress shirts, oxford shirts, polo shirts, woven shirts, golf shirts, t-shirts, sweat shirts, pullovers, tank tops, sweaters, jerseys, turtle-necks, shorts, sweatpants, warm-up suits, blazers, coats, sport coats, raincoats, pants, jeans, skirts, miniskirts, suits, overalls, vests, wind shirts, jackets, ponchos, swimwear, bikinis, swim trunks, overcoats, rainwear, wind resistant jackets, sleepwear, robes, underwear, lingerie, boxer shirts, belts, ties, scarves, hanker chiefs, headbands, ear muffs, wristbands, bathrobes, boxer shorts, pajamas, cloth bibs, ties, hosiery, hosiery gloves, suspenders, including socks, footwear and headwear hats, wool hats, caps, visors, hosiery, shoes, boots, sneakers, beach shoes, sandals, slippers, anoraks, jumpers, pants, blouses, knit tops, woven tops, halter tops, dresses, gowns, slacks, jeans, trousers, gloves, scarves, socks, leggings; nightgowns, bras, panties, briefs, shape wear and support foundation garments, girdles, slips, camisoles, suspenders. First Use: 2007/06/01. First Use In Commerce: 2007/06/01.

Description of Mark

The mark consists of 4 segments that make up a ribbon.

Colors Claimed

Print: Dec 9, 2007

78906460

Color is not claimed as a feature of the mark.

Filing Date

2006/06/12

Examining Attorney

SOMERVILLE, ARETHA



Print: Dec 9, 2007

78929161

DESIGN MARK

Serial Number

78929161

Status

REGISTERED

Word Mark

KNOKONWOOD

Standard Character Mark

Yes

Registration Number

3242143

Date Registered

2007/05/15

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(4) STANDARD CHARACTER MARK

Owner

Osmer, dennis William INDIVIDUAL UNITED STATES 6261 E. Marina View Dr
Long Beach CALIFORNIA 90803

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Caps; figure skating clothing, namely, men's, women's and children's pants, jeans, shorts, board shorts, shirts, golf shirts, t-shirts, jackets, coats, sweaters, boxer shorts, boxer briefs, briefs, panties, shoes, ties and tops. First Use: 2000/05/15. First Use In Commerce: 2002/09/13.

Filing Date

2006/07/13

Examining Attorney

MIZELLE, DEZMONA

KNOKonWOOD

DESIGN MARK

Serial Number

78931025

Status

REGISTERED

Word Mark

TH

Standard Character Mark

No

Registration Number

3264718

Date Registered

2007/07/17

Type of Mark

TRADEMARK

Register

PRINCIPAL

Mark Drawing Code

(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM

Owner

Tommy Hilfiger Licensing LLC LTD LIAB CO DELAWARE 601 W. 26th Street,
6th Floor New York NEW YORK 10001

Goods/Services

Class Status -- ACTIVE. IC 025. US 022 039. G & S: Clothing for men, women and children, namely, shirts, golf shirts, T-shirts, sweatshirts, tank tops, sweaters, jerseys, turtle-necks, golf shirts, shorts, sweatpants, warm-up suits, blazers, sport coats, pants, jeans, skirts, suits, overalls, vests, jackets, coats, parkas, ponchos, swimwear, bikinis, swim trunks, overcoats, rainwear, wind resistant jackets, sleepwear, robes, underwear, lingerie, belts, ties, hats, wool hats, caps, visors, scarves, headbands, ear muffs, wristbands, bathrobes, boxer shorts, pajamas, cloth bibs, ties, socks, hosiery, shoes, boots, sneakers, beach shoes, sandals, slippers, gloves, and suspenders. First Use: 2002/12/01. First Use In Commerce: 2002/12/01.

Prior Registration(s)

2697281;3056942;3133376;AND OTHERS

Description of Mark

Print: Dec 9, 2007

78931025

The mark consists of an interlocking design using the letters TH.

Filing Date

2006/07/17

Examining Attorney

MAHONEY, PAULA

III

To: Game Sportswear, Ltd. (iplaw@bestweb.net)
Subject: TRADEMARK APPLICATION NO. 77126502 - GAME - GAME stylize
Sent: 12/10/2007 8:39:56 AM
Sent As: ECOM103@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 12/10/2007 FOR
APPLICATION SERIAL NO. 77126502

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link
http://tportal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77126502&doc_type=OOA&mail_date=20071210
(or copy and paste this URL into the address field of your browser), or visit
<http://tportal.uspto.gov/external/portal/tow> and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from **12/10/2007**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**

To: Game Sportswear, Ltd. (iplaw@bestweb.net)
Subject: TRADEMARK APPLICATION NO. 77126522 - G.A.M.E. - G.A.M.E.
Sent: 11/6/2007 2:37:16 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 77/126522

MARK: G.A.M.E.

77126522

CORRESPONDENT ADDRESS:

THOMAS A GALLAGHER
60 LONG RIDGE RD STE 407
STAMFORD, CT 06902-1842

RESPOND TO THIS ACTION:

<http://www.uspto.gov/teas/eTEASpageD.htm>

GENERAL TRADEMARK INFORMATION:

<http://www.uspto.gov/main/trademarks.htm>

APPLICANT: Game Sportswear, Ltd.

CORRESPONDENT'S REFERENCE/DOCKET

NO:

G.A.M.E.

CORRESPONDENT E-MAIL ADDRESS:

iplaw@bestweb.net

OFFICE ACTION

TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE ISSUE/MAILING DATE.

ISSUE/MAILING DATE: **11/6/2007**

The Office has reassigned this application to the undersigned trademark examining attorney.

This letter responds to the applicant's communication filed on October 4, 2007. The applicant (1) argued against the refusal to register the mark under Trademark Act Section 2(d), (2) submitted a new drawing with "TM" deleted, and (3) submitted a color claim and a color location statement.

The following requirements have been satisfied and are now withdrawn: (1) Applicant Must Submit a New Drawing; (2) Applicant Must Submit a Color Claim and Color Location Statement. TMEP §714.04.

The following refusal is maintained: (1) Section 2(d) – Likelihood of Confusion.

The assigned trademark examining attorney has reviewed the referenced application and the referenced communication and has determined the following:

Requirement: Identification of Goods

The identification of goods is indefinite and must be clarified because it is too broad and includes goods in multiple international classes. Applicant may adopt the following identification, if accurate:

International Class 009: Reflective safety vests and parkas with or without hoods; reflective safety pants.

International Class 024: Stadium blankets.

International Class 025: Clothing, namely, golf shirts, polo shirts, tennis shirts, t shirts, crew shirts, warm-up suits, pullovers, shell *jackets*, warm-up jackets, warm-up pants, tear-away pants, open bottom pants, fleece sweats, sweatshirts, sweat pants, hooded sweatshirts, wool and leather varsity jackets, wool varsity jackets, wool and polyester varsity jackets, wool and leather corporate jackets, wind and water resistant shirts, jackets and vests, parkas, hunting jackets, workwear jackets with and without hoods, work shirts, zippered turtleneck shirts.

TMEP §1402.01.

Please note that, while the identification of goods may be amended to clarify or limit the goods, adding to the goods or broadening the scope of the goods is not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, applicant may not amend the identification to include goods that are not within the scope of the goods set forth in the present identification.

For assistance with identifying and classifying goods and/or services in trademark applications, please see the online searchable *Manual of Acceptable Identifications of Goods and Services* at <http://tess2.uspto.gov/netahtml/tidm.html>.

Advisory: Multiple-Class Applications

If applicant prosecutes this application as a combined, or multiple-class application, applicant must comply with each of the following for those goods based on an intent to use the mark in commerce under Trademark Act Section 1(b):

- (1) Applicant must list the goods and/or services by international class with the classes listed in ascending numerical order; and
- (2) Applicant must submit a filing fee for each international class of goods and/or services not covered by the fee already paid (current fee information should be confirmed at <http://www.uspto.gov>).

37 C.F.R. §2.86(a)(2); TMEP §§810 and 1403.01.

Response Guidelines

Applicant should include the following information on all correspondence with the Office: (1) the name and law office number of the trademark examining attorney; (2) the serial number of this application; (3) the mailing date of this Office action; and, (4) applicant's telephone number. 37 C.F.R. §2.194(b)(1); TMEP §302.03(a).

To expedite prosecution of this application, applicant is encouraged to file its response to this Office action through the Trademark Electronic Application System (TEAS), available at <http://www.uspto.gov/teas/index.html>.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/Seth A. Rappaport/

Seth A. Rappaport

Trademark Examining Attorney

Law Office 103

Phone: (571) 270-1508

Fax: (571) 270-2508

RESPOND TO THIS ACTION: If there are any questions about the Office action, please contact the assigned examining attorney. A response to this Office action should be filed using the form available at <http://www.uspto.gov/teas/eTEASpageD.htm>. If notification of this Office action was received via e-mail, no response using this form may be filed for 72 hours after receipt of the notification. **Do not attempt to respond by e-mail as the USPTO does not accept e-mailed responses.**

If responding by paper mail, please include the following information: the application serial number, the mark, the filing date and the name, title/position, telephone number and e-mail address of the person signing the response. Please use the following address: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

STATUS CHECK: Check the status of the application at least once every six months from the initial filing date using the USPTO Trademark Applications and Registrations Retrieval (TARR) online system at <http://tarr.uspto.gov>. When conducting an online status check, print and maintain a copy of the complete TARR screen. If the status of your application has not changed for more than six months, please contact the assigned examining attorney.

To: Game Sportswear, Ltd. (iplaw@bestweb.net)
Subject: TRADEMARK APPLICATION NO. 77126522 - G.A.M.E. - G.A.M.E.
Sent: 11/6/2007 2:37:18 PM
Sent As: ECOM103@USPTO.GOV
Attachments:

IMPORTANT NOTICE
USPTO OFFICE ACTION HAS ISSUED ON 11/6/2007 FOR
APPLICATION SERIAL NO. 77126522

Please follow the instructions below to continue the prosecution of your application:

VIEW OFFICE ACTION: Click on this link
http://portal.uspto.gov/external/portal/tow?DDA=Y&serial_number=77126522&doc_type=OOA&mail_date=20071106
(or copy and paste this URL into the address field of your browser), or visit <http://portal.uspto.gov/external/portal/tow>
and enter the application serial number to access the Office action.

PLEASE NOTE: The Office action may not be immediately available but will be viewable within 24 hours of this notification.

RESPONSE MAY BE REQUIRED: You should carefully review the Office action to determine (1) if a response is required; (2) how to respond; and (3) the applicable response time period. Your response deadline will be calculated from **11/6/2007**.

Do NOT hit "Reply" to this e-mail notification, or otherwise attempt to e-mail your response, as the USPTO does NOT accept e-mailed responses. Instead, the USPTO recommends that you respond online using the Trademark Electronic Application System response form at <http://www.uspto.gov/teas/eTEASpageD.htm>.

HELP: For *technical* assistance in accessing the Office action, please e-mail TDR@uspto.gov. Please contact the assigned examining attorney with questions about the Office action.

WARNING

- 1. The USPTO will NOT send a separate e-mail with the Office action attached.**
- 2. Failure to file any required response by the applicable deadline will result in the ABANDONMENT of your application.**

EXHIBIT B

Trademark

Serial Number
(Text)

TRADEMARK



78074635

NEW CASE DELIVERED

SEP 08 2001

LAW OFFICE 112

PROSECUTION HISTORY

	Entry	Date	Initials
1.	NOP		
2.	11/27/01		
3.			
4.			
5.	NOA		
6.	2-19-02		
7.	SOU FILED FEB 27 2003	7.2.02	LR
8.	[REDACTED]	[REDACTED]	
9.	[REDACTED]	[REDACTED]	
10.	[REDACTED]	[REDACTED]	
11.	ltr	10/16/02	
12.	ltr	11/20/02	
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Post Registration

W

REG NUM: 2720097
REG DT: 05/27/2003
S/N 78/074635

78-074635



TYPED DRAWING

GAME

PRINCIPAL

LAW OFFICE 102

78-074635

FILING DATE
July 18, 2001

ORIGINAL APPLICANT
Stripling Vandous E.

GOODS/SERVICES (CLASS 025)
t-shirts, shirts, sweat shirts, sweat pants (ETC)

FILING BASIS
ITU

ORIGINAL CORRESPONDENT
VANDOUS E. STRIPLING



Joe M. Beverly

ATTORNEY ADVISOR:

Approved for Publication (Principal Register) (Signature/Date)

Joe M. Beverly

Approved for Registration (Section 1(d)) (Signature/Date)

Joe M. Beverly

Approved for Registration (Supplemental Register) (Signature/Date)

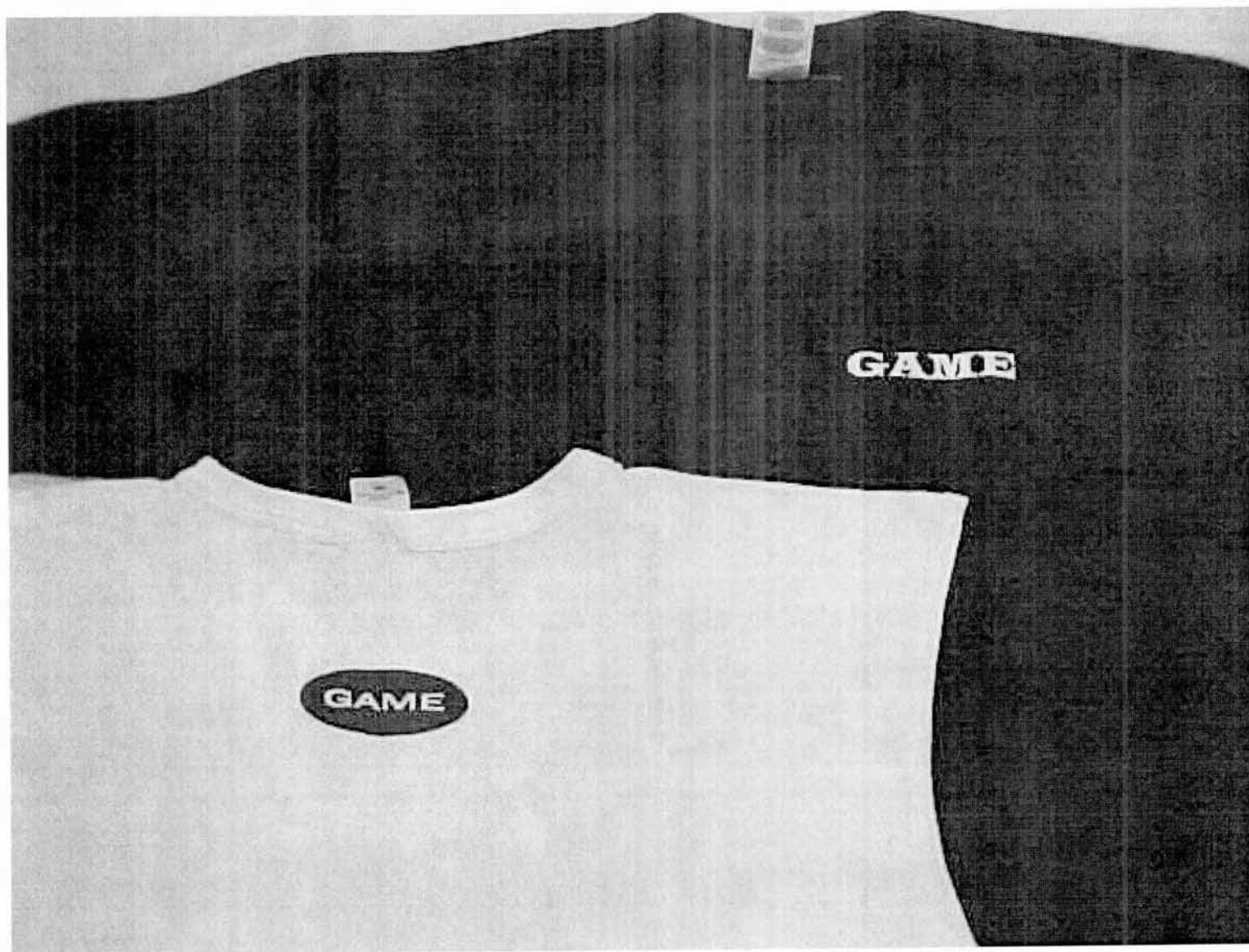
PUBLISHED
11/27/01

NOA



Abandoned

(Date)





Hangtag

TRADE MARK EXAMINATION WORKSHEET

☐ AMENDMENT STAGE

☒ NO CHANGE

☒ PUBLICATION/REGISTRATION STAGE

Name: Lorri White L.O. 112

Serial No. 7 8,074635

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

Legal Instrument Examiner (LIE)

	Amended	Data Element
Class Data	<input type="checkbox"/>	<input type="checkbox"/> Prime/International Class <input type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date <input type="checkbox"/> First Use in Commerce Date
	<input type="checkbox"/>	<input type="checkbox"/> In Another Form <input type="checkbox"/> Certification
	<input type="checkbox"/>	<input type="checkbox"/> 1b
Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Word Mark <input type="checkbox"/> Pseudo Mark
	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code <input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Scan Sub Drawing
Misc. Mark Data	<input type="checkbox"/>	<input type="checkbox"/> Mark Description <input type="checkbox"/> Disclaimer
	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling <input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/>	<input type="checkbox"/> Translation
Section 2(f)	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement <input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register <input type="checkbox"/> Amended Register Date
Foreign Reg. Data	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country <input type="checkbox"/> 44(d)
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number <input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number <input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date <input type="checkbox"/> Foreign Renewal Reg. Date
Owner Data	<input type="checkbox"/>	<input type="checkbox"/> Owner Name <input type="checkbox"/> DBA/AKA/TA
	<input type="checkbox"/>	<input type="checkbox"/> Address 1 <input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City <input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship <input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement <input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change
Amd/Corr Restr.	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use
Prior U.S. Reg.	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration
Correspondence	<input type="checkbox"/>	<input type="checkbox"/> Attorney <input type="checkbox"/> Domestic Representative
	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number
	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address

I certify that all corrections have been entered in accordance with text editing guidelines.

Lorri White
LIE

4/ 8 /2003
DATE

Other: _____

**CORRESPONDENCE RE-ROUTING
TRANSMITTAL
FROM ITU OFFICE _____**

DATE: 2/27/03 Diane S. Jones
SLIE SIGNATURE _____

PLEASE FORWARD TO:

OFFICE LOCATION L.O. 112
WE HAVE DETERMINED THAT THE
ATTACHED PAPER (S) BELONGS TO YOUR
OFFICE.



60112

[Click here and type address]

facsimile transmittal

11

To: JOSETTE BEVERLY

Fax: (703)
308-7186

From: VANDOUS E. STRIPLING

Date: 10/15/2002

Re: SERIAL NUMBER 78/074635

Pages: 7

CC: [Click here and type name]

☐ Urgent

☒ For Review

☐ Please Comment

☐ Please Reply

☐ Please Recycle

RECEIVED
JAN - 6 P 3:01
TMEQ
LAW OFFICE 112

U.S. Patent and Trademark Office (PTO)
NOTICE OF ALLOWANCE

(NOTE: If any data on this notice is incorrect, please submit a written request for correction of the NOA to: Assistant Commissioner for Trademarks, Box 1TU, 2900 Crystal Drive, Arlington, VA 22202-3513. Please include the serial number of your application on ALL correspondence with the PTO. 15 U.S.C. 1063(b)(2))

ISSUE DATE OF NOA: Feb 19, 2002

VANDOUS E. STRIPLING
6442 E. CATALINA CT.
TUCSON AZ 85708

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

To avoid ABANDONMENT of this application, either a "Statement of Use" (a.k.a. "Allegation of Use") or a "Request for Extension of Time to File a Statement of Use" (a.k.a. "Extension Request") and the appropriate fee(s) must be received in the PTO within six months of the issue date of this Notice Of Allowance (NOA) for those goods and/or services based on intent to use. Failure to do so will result in the ABANDONMENT of this application.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements, including fees. These requirements are explained in the PTO booklet "Basic Facts About Trademarks", which can be obtained upon request at (703)308-9000. In addition, there are printed forms contained in this booklet (for "Statements of Use" and "Extension Requests") for your use.

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/074635
MARK: GAME
OWNER: Stripling Vandous E.
6442 E. Catalina Ct.
Tucson, ARIZONA 85708

This application has the following bases, but not necessarily for all listed goods/services:
Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

025-T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

ARLINGTON, VA 22202

Postage	\$ 1.75	UNIT ID: 0732
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)		Dierk: KGFMM5
Restricted Delivery Fee (Endorsement Required)		07/11/02
Total Postage & Fees	\$ 4.05	

Sent To: Assistant Commissioner B. T. T. T.
 Street, Apt. No., or PO Box No. 2900 Crystal Drive
 City, State, ZIP+4 Arlington, Virginia 22202-3513

PS Form 3800, January 2001

See Reverse for Instructions

7001 2510 0001 2067 2642



Track/Confirm - Intranet Item Inquiry - Domestic

Item: 7001 2510 0001 2087 2642

Date/Time Mailed: 07/11/2002 15:54

Destination	ZIP Code: 22202	City: ARLINGTON	State: VA
Origin	ZIP Code: 85708	City: TUCSON	State: AZ

Class: First Class

Weight: lb: 0 oz: 7

Special Services

CERTIFIED MAIL

\$2.30

Event	Date	Time	Location
DELIVERED	07/16/2002	11:41	ARLINGTON VA 22202
Firm Name: US PATENT 2900			
Recipient : 'D BARFIELD'			
Request Delivery Record			
View Delivery Signature and Address			
ARRIVAL AT UNIT	07/16/2002	11:24	ARLINGTON VA 22202
ACCEPT OR PICKUP	07/11/2002	15:54	TUCSON AZ 85708

Enter Request Type and Item Number:

Quick Search ☒Extensive Search ☐[Explanation of Quick and Extensive Searches](#)

Item Number:

 Inquire on multiple items.Go to the Product Tracking System Home Page.

PTO/TM/1553 (Rev 4/2000)
OMB No. 0651-0009 (Exp. 08/31/2004)

*** Trademark/Service Mark Allegation of Use ***

*** (Statement of Use/Amendment to Allege Use) ***

*** (15 U.S.C. §1051(c) or (d)) ***

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK ALLEGATION OF USE>

<VERSION 1.2>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> GAME

<SERIAL NUMBER> 78074635

<LAW OFFICE ASSIGNED> TMO Law Office 112

<APPLICANT INFORMATION>

<NAME> Vandous E. Stripling

<STREET> 6442 E. Catalina ct.

<CITY> Tucson

<STATE> AZ

<COUNTRY> USA

<ZIP/POSTAL CODE> 85708-1102

<NOTICE OF ALLOWANCE INFORMATION>

<NOTICE OF ALLOWANCE> Yes

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN APPLICATION/NOTICE OF ALLOWANCE>
Yes

~ The applicant is using or is using through a related company the mark in commerce on or in connection with all the goods/services listed in the Application/Notice of Allowance. ~

<FEE INFORMATION>

<TOTAL FEES PAID> 100

<NUMBER OF CLASSES> 1

<USE INFORMATION>

<SPECIMEN DESCRIPTION> Sleeveless T-Shirt with the mark GAME accross the

<http://www3.uspto.gov/cgi-bin/teas/V1.21/ITU/getF2?USPTO-665375124-2002070301102093...> 7/2/02

chest and the mark GAME on the back neck.

<FIRST USE ANYWHERE DATE> 07/23/2001

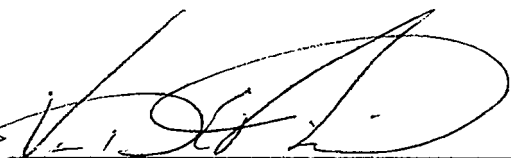
<FIRST USE IN COMMERCE DATE> 03/05/2002

<SIGNATURE AND OTHER INFORMATION>

~ **Declaration:** Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using or is using through a related company the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>



* please sign here*

<DATE>

2 July 02

<NAME> Vandous E. Stripling

<TITLE> Owner

<TELEPHONE NUMBER> (520) 514-5085

<E-MAIL ADDRESS> game97@juno.com

CERTIFICATE OF MAILING

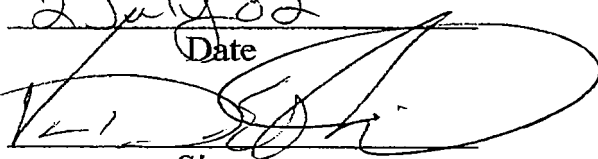
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

on

2 July 02

Date



Signature

<http://www3.uspto.gov/cgi-bin/teas/V1.21/ITU/getF2?USPTO-665375124-2002070301102093...> 7/2/02

VANDER E. STRILING
Typed or printed name of person
signing certificate

PTO/TM/1553 (Rev 4/2000)
OMB No. 0651-0009 (Exp. 08/31/2004)

*** Trademark/Service Mark Allegation of Use ***

*** (Statement of Use/Amendment to Allege Use) ***

*** (15 U.S.C. §1051(c) or (d)) ***

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK ALLEGATION OF USE>

<VERSION 1.2>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> GAME

<SERIAL NUMBER> 78074635

<LAW OFFICE ASSIGNED> TMO Law Office 112

<APPLICANT INFORMATION>

<NAME> Vandous E. Stripling

<STREET> 6442 E. Catalina ct.

<CITY> Tucson

<STATE> AZ

<COUNTRY> USA

<ZIP/POSTAL CODE> 85708-1102

02/26/2003 ZENRITH 00000006 78074635

01 FC:6003

100.00 OP

<NOTICE OF ALLOWANCE INFORMATION>

<NOTICE OF ALLOWANCE> Yes

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN APPLICATION/NOTICE OF ALLOWANCE>
Yes

~ The applicant is using or is using through a related company the mark in commerce on or in connection with all the goods/services listed in the Application/Notice of Allowance. ~

<FEE INFORMATION>

<TOTAL FEES PAID> 100

<NUMBER OF CLASSES> 1

<USE INFORMATION>

<SPECIMEN DESCRIPTION> Sleeveless T-Shirt with the mark GAME accross the

<http://www3.uspto.gov/cgi-bin/teas/V1.21/ITU/getF2?USPTO-665375124-2002070301102093...> 7/2/02

chest and the mark GAME on the back neck.

<FIRST USE ANYWHERE DATE> 07/23/2001

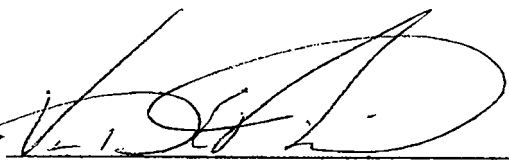
<FIRST USE IN COMMERCE DATE> 03/05/2002

<SIGNATURE AND OTHER INFORMATION>

~ **Declaration:** Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using or is using through a related company the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>



* please sign here*

<DATE>

2 July 02

<NAME> Vandous E. Stripling

<TITLE> Owner

<TELEPHONE NUMBER> (520) 514-5085

<E-MAIL ADDRESS> game97@juno.com

CERTIFICATE OF MAILING

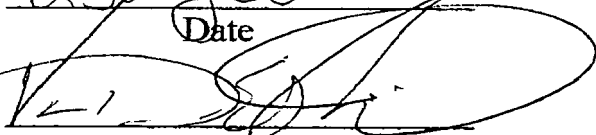
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

on

2 July 02

Date



Signature

TEAS scannable Form

Page 3 of 3

VANDOUS E. STRIPLING
Typed or printed name of person
signing certificate

U.S. Patent and Trademark Office (PTO)
NOTICE OF ALLOWANCE

(NOTE: If any data on this notice is incorrect, please submit a written request for correction of the NOA to: Assistant Commissioner for Trademarks, Box ITU, 2900 Crystal Drive, Arlington, VA 22202-3513. Please include the serial number of your application on ALL correspondence with the PTO. 15 U.S.C. 1063(b)(2))

ISSUE DATE OF NOA: Feb 19, 2002

VANDOUS E. STRIPLING
6442 E. CATALINA CT.
TUCSON AZ 85708

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

To avoid ABANDONMENT of this application, either a "Statement of Use" (a.k.a. "Allegation of Use") or a "Request for Extension of Time to File a Statement of Use" (a.k.a. "Extension Request") and the appropriate fee(s) must be received in the PTO within six months of the issue date of this Notice Of Allowance (NOA) for those goods and/or services based on intent to use. Failure to do so will result in the ABANDONMENT of this application.

Please note that both the "Statement of Use" and "Extension Request" have many legal requirements, including fees. These requirements are explained in the PTO booklet "Basic Facts About Trademarks", which can be obtained upon request at (703)308-9000. In addition, there are printed forms contained in this booklet (for "Statements of Use" and "Extension Requests") for your use.

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/074635
MARK: GAME
OWNER: Stripling Vandous E.
6442 E. Catalina Ct.
Tucson, ARIZONA 85708

This application has the following bases, but not necessarily for all listed goods/services:
Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

025-T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, Virginia 22202-3513

Nov 7, 2001

NOTICE OF PUBLICATION UNDER 12(a)

- | | |
|--------------------------------------|---------------------------------------|
| 1. Serial No.:
78/074,635 | 2. Mark:
GAME |
| 3. International Class(es):
25 | |
| 4. Publication Date:
Nov 27, 2001 | 5. Applicant:
Stripling Vandous E. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a notice of allowance pursuant to section 13(b) of the Statute.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents
U.S. Government Printing Office
PO Box 371954
Pittsburgh, PA 15250-7954
Phone: (202)512-1800

By direction of the Commissioner.

VANDOUS E. STRIPLING
6442 E. CATALINA CT.
TUCSON AZ 85708

TMP&I

DOCUMENT INFORMATION**TRADEMARK/SERVICEMARK APPLICATION****VERSION 1.23****APPLICANT INFORMATION**

NAME	Stripling Vandous E.
STREET	6442 E. Catalina Ct.
CITY	Tucson
STATE	AZ
COUNTRY	USA
ZIP/POSTAL CODE	85708
TELEPHONE NUMBER	(520) 514-5085
FAX NUMBER	(520) 514-5911
E-MAIL ADDRESS	game97@juno.com
AUTHORIZE E-MAIL COMMUNICATION	Yes

APPLICANT ENTITY INFORMATION

INDIVIDUAL: COUNTRY OF CITIZENSHIP	United States
--	---------------

TRADEMARK/SERVICEMARK INFORMATION

MARK	GAME
TYPED FORM	Yes

BASIS FOR FILING AND GOODS/SERVICES INFORMATION

INTENT TO USE: SECTION 1(b)	Yes
INTERNATIONAL CLASS NUMBER	025
LISTING OF GOODS AND/OR SERVICES	T-shirts,shirts,sweat shirts,sweat pants,pants,shorts,hats,caps,visors,socks, underwear,shoes,sandals,jackets,coat

FEE INFORMATION

78074635

TOTAL FEES PAID	325
NUMBER OF CLASSES PAID	1
NUMBER OF CLASSES	1
LAW OFFICE INFORMATION	
E-MAIL ADDRESS FOR CORRESPONDENCE	game97@juno.com
SIGNATURE AND OTHER INFORMATION	
SIGNATURE	/vs/
DATE	07/18/2001
NAME	Vandous E. Stripling
TITLE	Owner
MAILING ADDRESS	
LINE	Stripling Vandous E.
LINE	6442 E. Catalina Ct.
LINE	Tucson AZ 85708
CREDIT CARD INFORMATION	
RAM SALE NUMBER	89
RAM ACCOUNTING DATE	20010719
SERIAL NUMBER INFORMATION	
SERIAL NUMBER	78/074635
INTERNET TRANSMISSION DATE	Wednesday, 07-18-2001 21:43:20 EDT
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E-MAIL ADDRESS FOR ACKNOWLEDGMENT	game97@juno.com

<SERIAL NUMBER> 78074635

<FILING DATE> 07/18/2001

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.23>

<APPLICANT INFORMATION>

<NAME> Stripling Vandous E.
<STREET> 6442 E. Catalina Ct.
<CITY> Tucson
<STATE> AZ
<COUNTRY> USA
<ZIP/POSTAL CODE> 85708
<TELEPHONE NUMBER> (520) 514-5085
<FAX NUMBER> (520) 514-5911
<E-MAIL ADDRESS> game97@juno.com
<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>

<INDIVIDUAL: COUNTRY OF CITIZENSHIP> United States

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> GAME

<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<INTENT TO USE: SECTION 1(b)> Yes

* Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(b), as amended.) *

<INTERNATIONAL CLASS NUMBER> 025

<LISTING OF GOODS AND/OR SERVICES> T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat

<FEE INFORMATION>

<TOTAL FEES PAID> 325

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 1

<LAW OFFICE INFORMATION>

* The USPTO is authorized to communicate with the applicant at the below e-mail address

*

<E-MAIL ADDRESS FOR CORRESPONDENCE> game97@juno.com

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true. *

<SIGNATURE>

/vs/

<DATE>

07/18/2001

<NAME>

Vandous E. Stripling

<TITLE>

Owner

<MAILING ADDRESS>

<LINE> Stripling Vandous E.

<LINE> 6442 E. Catalina Ct.

<LINE> Tucson AZ 85708

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 89

<RAM ACCOUNTING DATE> 20010719

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/074635

<INTERNET TRANSMISSION DATE> Wednesday, 07-18-2001 21:43:20 EDT

<TEAS STAMP>

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> game97@juno.com

Internet Transmission Date:

2001/07/18

Filing Date:

2001/07/18

Serial Number:

78074635

78074635

TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 89
RAM ACCOUNTING DATE: 20010719



NO OCR

07182001

07-18-2001

Drawing Page

Serial Number:

78074635

Applicant:

Stripling Vandous E.
6442 E. Catalina Ct.
Tucson AZ USA 85708

78074635

Goods and Services:

T-shirts, shirts, sweat shirts, sweat
pants, pants, shorts, hats, caps, visors, socks,
underwear, shoes, sandals, jackets, coat

Mark:

GAME

REGISTERED
5/27/03

PUBLISHED
11/27/01



NO OCR

07182001

07-18-2001

*** User: jbeverly ***

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
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02	2602	N/A	0	0	0:05	1 not dead[ld]
03	797	0	26	26	0:04	2 and "025"[cc] <i>Hit List</i>
04	12	8	4	4	0:01	game[fm]
05	660	N/A	0	0	0:02	1 and "025"[ic] <i>Hit List</i>

Session started 9/16/01 4:25:03 AM

Session finished 9/16/01 4:34:08 AM

Total search duration 0:14 minutes

Session Duration 9:05 minutes

Default NEAR limit= 1 ADJ limit= 1



Mark

GG GAME

Goods and Services

IC 025. US 022 039. G & S: T-Shirts, Shirts, Sweat Shirts, Sweat Pants, Pants, Shorts, Hats, Caps, Visors, Socks, Underwear, Shoes, Sandals, Jackets, Coats

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

241503 241714

Serial Number

78026744

Filing Date

September 20, 2000

Filed ITU

FILED AS ITU

Publication for Opposition Date

July 10, 2001

Owner Name and Address

(APPLICANT) Stripling, Vandous, E. INDIVIDUAL UNITED STATES 3145
Bridgewater Dr. Colorado Springs COLORADO 809164463

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

<SERIAL NUMBER> 78074635
<MARK> GAME
<LAW OFFICE ASSIGNED> LAW OFFICE 112
<CONTACT TYPE> Correspondent

<ORIGINAL ADDRESS> VANDOUS E. STRIPLING
6442 E. CATALINA CT.
TUCSON Arizona (AZ) 85708
United States (USX)
(520) 514-5911
(520) 514-5085
game97@juno.com

<NEW ADDRESS>
 <CORRESPONDENT> Vandous E Stripling
 <STREET ADDRESS> 801 Sabona Dr.
 <CTIY> Desoto
 <STATE> TX
 <POSTAL CODE> 75115
 <PHONE> (469) 765-6601
 <EMAIL> game97@juno.com
 <EMAIL AUTHORIZED> Y
 <SUBMIT DATE> Jul 6, 2005

<SIGNATURE>
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 <SIGNATURE-ENTRY-NUMBER>
 <SIGNATURE-NAME> //Vandous E. Stripling//
 <SIGNATORY-DATE> 20050706
 <SIGNATORY-NAME> Vandous E. Stripling
 <SIGNATORY-POSITION> Owner

Change Of Owner's Address

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78074635
REGISTRATION NUMBER	2720097
LAW OFFICE ASSIGNED	LAW OFFICE 112
MARK SECTION	
MARK	GAME
OWNER SECTION (current)	
NAME	Stripling Vandous E.
STREET	6442 E. Catalina Ct.
CITY	Tucson
STATE	Arizona
ZIP/POSTAL CODE	85708-1102
COUNTRY	US
PHONE	(520) 514-5085
FAX	(520) 514-5911
CORRESPONDENCE SECTION (current)	
ORIGINAL ADDRESS	VANDOUS E. STRIPLING 6442 E. CATALINA CT. TUCSON Arizona 85708 United States (520) 514-5911 (520) 514-5085 game97@juno.com
NEW OWNER ADDRESS	
STREET	801 Sabona Dr.
CITY	Desoto

STATE	Texas
ZIP/POSTAL CODE	75115
COUNTRY	United States
PHONE	(520) 514-5085
FAX	(520) 514-5911
CURRENT CORRESPONDENCE ADDRESS	
NAME	VANDOUS E. STRIPLING
STREET	801 Sabona Dr.
CITY	Desoto
STATE	Texas
COUNTRY	United States
POSTAL/ZIP CODE	75115
PHONE	(469) 765-6601
SIGNATURE SECTION	
SIGNATURE	//Vandous E. Stripling//
SIGNATORY NAME	Vandous E. Stripling
SIGNATORY DATE	07/06/2005
SIGNATORY POSITION	Owner
FILING INFORMATION SECTION	
SUBMIT DATE	Wed Jul 06 10:52:54 EDT 2005
TEAS STAMP	USPTO/COA-24.0.144.18-200 50706105254058484-7807463 5-250f94fc96eb108a299a26f 92e43dac1f6-N/A-N/A-20050 706102440357966

6442 E Catalina CT Tucson, AZ 85708 (520) 370-3600

GAME

Fax

To: Tracy L. Fletcher**From:** Vandous E. Stripling**Fax:** (571) 273-9115**Pages:** 2**Phone:** (571) 272-9115**Date:** 3/29/2005**Re:****CC:**

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:** Letter of Protest

GAME

6442 E Catalina CT
Tucson, AZ 85708
(520) 370-3600

March 29, 2005

USPTO/Staff Attorney: Tracy L Fletcher

Office of the Commissioner for Trademarks

To Whom It May Concern:

I Vandous E. Stripling owner of mark **GAME** registration number **2720097** and mark **GG GAME** registration number **2757404** am writing to protest any approval for publication of serial number **78228114 G GAME WEAR CO.** in International Class 25. I believe this mark is confusingly similar and would cause harm if allowed publication or registration.

Sincerely,

Vandous E. Stripling

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,720,097

Registered May 27, 2003

**TRADEMARK
PRINCIPAL REGISTER**

GAME

STRIPLING VANDOUS E. (UNITED STATES IN-
DIVIDUAL)
6442 E. CATALINA CT.
TUCSON, AZ 857081102

FIRST USE 7-23-2001; IN COMMERCE 3-5-2002.

SN 78-074,635, FILED 7-18-2001.

FOR: T-SHIRTS, SHIRTS, SWEAT SHIRTS,
SWEAT PANTS, PANTS, SHORTS, HATS, CAPS,
VISORS, SOCKS, UNDERWEAR, SHOES, SANDALS,
JACKETS, COAT, IN CLASS 25 (U.S. CLS. 22 AND 39).

JOSETTE BEVERLY, EXAMINING ATTORNEY

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 2,720,097

Registered May 27, 2003

**TRADEMARK
PRINCIPAL REGISTER**

GAME

STRIPLING VANDOUS E. (UNITED STATES IN-
DIVIDUAL)
6442 E. CATALINA CT.
TUCSON, AZ 857081102

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SN 78-074,635, FILED 7-18-2001.

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SWEAT PANTS, PANTS, SHORTS, HATS, CAPS,
VISORS, SOCKS, UNDERWEAR, SHOES, SANDALS,
JACKETS, COAT, IN CLASS 25 (U.S. CLS. 22 AND 39).

JOSETTE BEVERLY, EXAMINING ATTORNEY

[Click here and type address]

facsimile transmittal

To: Janice O' Lear and or Josette Beverly Fax: (703) 308-7186

From: Vandous E. Stripling Date: 11/19/2002

Re: Serial # 78/074635 Pages: 107

CC: [Click here and type name]

☐ Urgent ☒ For Review ☐ Please Comment ☐ Please Reply ☐ Please Recycle

Notes: TO: JANICE O' LEAR AND OR JOSETTE BEVERLY

FROM: VANDOUS E. STRIPLING

SUBJECT: SERIAL NUMBER 78/074635

Ma'am,

I am writing in regards to serial number 78/074635 for which a notice of allowance was sent to me on 2002-02-19. I submitted the Statement of Use on 2002-07-11 via Certified Mail. D Barfield signed for the mail on 2002-07-16. Upon checking the status of the record I spoke to another person there while you were out on leave and, I was told that a record does not exist reflecting my Statement of Use. So, my specimen, check that has not been cashed yet and SOU seems to have been misplaced. I have attached to this letter:

1. A copy of the Statement of Use that was filed.
2. A copy of the Certified Mail Receipt
3. A copy of the Track/Confirm information

Your help in this matter will be greatly appreciated

V/R
Vandous E. Stripling
(520) 514-5085

2003 NOV 29 PM 5:00
FBI-DOT
FBI-DOT

U.S. Patent and Trademark Office (PTO)
NOTICE OF ALLOWANCE

(NOTE: If any data on this notice is incorrect, please submit a written request for correction of the NOA to: Assistant Commissioner for Trademarks, Box 1TU, 2900 Crystal Drive, Arlington, VA 22202-3513. Please include the serial number of your application on ALL correspondence with the PTO. 15 U.S.C. 1063(b)(2))

ISSUE DATE OF NOA: Feb 19, 2002

VANDOUS E. STRIPLING
6442 E. CATALINA CT.
TUCSON AZ 85708

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SERIAL NUMBER: 78/074635
MARK: GAME
OWNER: Stripling Vandous E.
6442 E. Catalina Ct.
Tucson, ARIZONA 85708

This application has the following bases, but not necessarily for all listed goods/services:
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GOODS/SERVICES BY INTERNATIONAL CLASS

025-T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

7001 2510 0001 2067 2642

U.S. Postal Service		
CERTIFIED MAIL RECEIPT		
(Domestic Mail Only; No Insurance Coverage Provided)		
ARLINGTON, VA 22202		
Postage	\$ 1.75	UNIT ID: 0732
Certified Fee	2.30	Postmark Here
Return Receipt Fee (Endorsement Required)		Clerk: KGFMM5
Restricted Delivery Fee (Endorsement Required)		07/11/02
Total Postage & Fees	\$ 4.05	
Sent To Assistant Commissioner for Trademark		
Street, Apt. No., or PO Box No. 2900 Crystal Drive		
City, State, ZIP+4 Arlington, Virginia 22202-3513		
PS Form 3800, January 2001 See Reverse for Instructions		



Track/Confirm - Intranet Item Inquiry - Domestic

Item: 7001 2510 0001 2087 2642

Date/Time Mailed: 07/11/2002 15:54

Destination	ZIP Code: 22202	City: ARLINGTON	State: VA
Origin	ZIP Code: 85708	City: TUCSON	State: AZ

Class: First Class

Weight: lb: 0 oz: 7

Special Services

CERTIFIED MAIL \$2.30

Event	Date	Time	Location
DELIVERED	07/16/2002	11:41	ARLINGTON VA 22202
Firm Name: US PATENT 2900			
Recipient : 'D BARFIELD'			
Request Delivery Record			
View Delivery Signature and Address			
ARRIVAL AT UNIT	07/16/2002	11:24	ARLINGTON VA 22202
ACCEPT OR PICKUP	07/11/2002	15:54	TUCSON AZ 85708

Enter Request Type and Item Number:

Quick Search ☒ Extensive Search ☐[Explanation of Quick and Extensive Searches](#)

Item Number:

Inquire on multiple items.

Go to the Product Tracking System [Home Page](#).

PTO/TM/1553 (Rev 4/2000)
OMB No. 0651-0009 (Exp. 08/31/2004)

*** Trademark/Service Mark Allegation of Use ***

*** (Statement of Use/Amendment to Allege Use) ***

*** (15 U.S.C. §1051(c) or (d)) ***

*** To the Commissioner for Trademarks ***

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK ALLEGATION OF USE>

<VERSION 1.2>

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> GAME

<SERIAL NUMBER> 78074635

<LAW OFFICE ASSIGNED> TMO Law Office 112

<APPLICANT INFORMATION>

<NAME> Vandous E. Stripling

<STREET> 6442 E. Catalina ct.

<CITY> Tucson

<STATE> AZ

<COUNTRY> USA

<ZIP/POSTAL CODE> 85708-1102

<NOTICE OF ALLOWANCE INFORMATION>

<NOTICE OF ALLOWANCE> Yes

<GOODS AND SERVICES INFORMATION>

<ALL GOODS AND/OR SERVICES IN APPLICATION/NOTICE OF ALLOWANCE>
Yes

~ The applicant is using or is using through a related company the mark in commerce on or in connection with all the goods/services listed in the Application/Notice of Allowance. ~

<FEE INFORMATION>

<TOTAL FEES PAID> 100

<NUMBER OF CLASSES> 1

<USE INFORMATION>

<SPECIMEN DESCRIPTION> Sleeveless T-Shirt with the mark GAME accross the

<http://www3.uspto.gov/cgi-bin/teas/V1.21/ITU/getF2?USPTO-665375124-2002070301102093...> 7/2/02

chest and the mark GAME on the back neck.

<FIRST USE ANYWHERE DATE> 07/23/2001

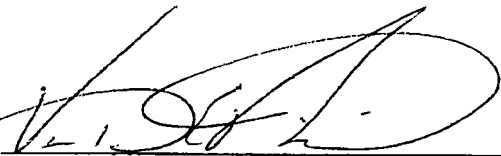
<FIRST USE IN COMMERCE DATE> 03/05/2002

<SIGNATURE AND OTHER INFORMATION>

~ Declaration: Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. §1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using or is using through a related company the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

~ The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true. ~

<SIGNATURE>



* please sign here*

<DATE>

2 July 02

<NAME> Vandous E. Stripling

<TITLE> Owner

<TELEPHONE NUMBER> (520) 514-5085

<E-MAIL ADDRESS> game97@juno.com

CERTIFICATE OF MAILING

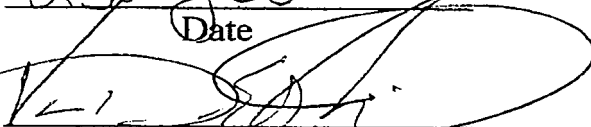
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

on

2 July 02

Date



Signature

TEAS scannable Form

Page 3 of 3

VANDOUS E. STRIPLING
Typed or printed name of person
signing certificate

Drawing Page

Serial Number:

78074635

Applicant:

Stripling Vandous E.
6442 E. Catalina Ct.
Tucson AZ USA 85708



Goods and Services:

T-shirts, shirts, sweat shirts, sweat
pants, pants, shorts, hats, caps, visors, socks,
underwear, shoes, sandals, jackets, coat

Mark:

GAME



NO OCR



07-18-2001

Internet Transmission Date:

2001/07/18

Serial Number:

78074635

Filing Date:

2001/07/18



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 89
RAM ACCOUNTING DATE: 20010719



NO OCR



07-18-2001

<SERIAL NUMBER> 78074635

<FILING DATE> 07/18/2001

<DOCUMENT INFORMATION>

<TRADEMARK/SERVICEMARK APPLICATION>

<VERSION 1.23>

<APPLICANT INFORMATION>

<NAME> Stripling Vandous E.

<STREET> 6442 E. Catalina Ct.

<CITY> Tucson

<STATE> AZ

<COUNTRY> USA

<ZIP/POSTAL CODE> 85708

<TELEPHONE NUMBER> (520) 514-5085

<FAX NUMBER> (520) 514-5911

<E-MAIL ADDRESS> game97@juno.com

<AUTHORIZE E-MAIL COMMUNICATION> Yes

<APPLICANT ENTITY INFORMATION>

<INDIVIDUAL: COUNTRY OF CITIZENSHIP> United States

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> GAME

<TYPED FORM> Yes

* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). *

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>

<INTENT TO USE: SECTION 1(b)> Yes

* Applicant has a bona fide intention to use or use through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(b), as amended.) *

<INTERNATIONAL CLASS NUMBER> 025

<LISTING OF GOODS AND/OR SERVICES> T-shirts,shirts,sweat shirts,sweat pants,pants,shorts,hats,caps,visors,socks, underwear,shoes,sandals,jackets,coat

<FEE INFORMATION>

<TOTAL FEES PAID> 325

<NUMBER OF CLASSES PAID> 1

<NUMBER OF CLASSES> 1

<LAW OFFICE INFORMATION>

* The USPTO is authorized to communicate with the applicant at the below e-mail address *

<E-MAIL ADDRESS FOR CORRESPONDENCE> game97@juno.com

<SIGNATURE AND OTHER INFORMATION>

* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

*

<SIGNATURE>

/vs/

<DATE>

07/18/2001

<NAME>

Vandous E. Stripling

<TITLE>

Owner

<MAILING ADDRESS>

<LINE> Stripling Vandous E.

<LINE> 6442 E. Catalina Ct.

<LINE> Tucson AZ 85708

<CREDIT CARD INFORMATION>

<RAM SALE NUMBER> 89

<RAM ACCOUNTING DATE> 20010719

<SERIAL NUMBER INFORMATION>

<SERIAL NUMBER> 78/074635

<INTERNET TRANSMISSION DATE> Wednesday, 07-18-2001 21:43:20 EDT

<TEAS STAMP>

USPTO-6311144231-200107182143815-78/074635-12385898cabb2f76a5863930da08df05c2c-CC-89-200107182136815

E-MAIL ADDRESS FOR ACKNOWLEDGMENT> game97@juno.com

Drawing Page

Serial Number:

78074635

Applicant:

Stripling Vandous E.
6442 E. Catalina Ct.
Tucson AZ USA 85708



Goods and Services:

T-shirts, shirts, sweat shirts, sweat
pants, pants, shorts, hats, caps, visors, socks,
underwear, shoes, sandals, jackets, coat

Mark:

GAME



NO OCR



07-18-2001

EXHIBIT C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No.: **2720097**

For the mark: **GAME**

Registered: **May 27, 2003**

Game Sportswear, Ltd.,)	
Petitioner)	
)	
v.)	Cancellation No. 92050200
)	
Vandous E. Stripling,)	
Registrant)	

PETITIONER'S INITIAL DISCLOSURE

All people who know or may know about the allegations in the petition are: Enrico Genovese, Robert Rosenthal, and Les Tandler, all employees of Game Sportswear, Ltd., 1401 Front Street, Yorktown Heights, NY 10598, as well as Counsel for the Petitioner.

All documents relevant to this action are maintained at Petitioner's place of business at 1401 Front Street, Yorktown Heights, NY 10598.

The Petitioner has repeatedly requested the following information from the Registrant in an effort to fashion a settlement agreement. Registrant has resisted providing this information:

- i) specimens showing use of the mark on the goods listed in the registration (preferably digital photos of the goods bearing the mark);
- ii) a description of the Registrant's customers, e.g. retailers, wholesalers, individuals, corporations, other organizations that Registrant has sold to and the same for customers that Registrant intends to sell to;
- iii) an identification of the states in which Registrant has sold his product and the states in which the Registrant intends to sell his product; and
- iv) approximate volume of sales over the last 5 years, listing sales per state.

Certificate of Service

A true copy of this Memorandum was served on the Registrant by e-mail addressed to game97@juno.com.

Respectfully submitted,

/tag/

By: _____
Thomas A. Gallagher
Attorney for Petitioner

107 Barclay Drive
Stamford, CT 06903

203-329-9898

June 3, 2009

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No.: **2720097**

For the mark: **GAME**

Registered: **May 27, 2003**

Game Sportswear, Ltd.,)
 Petitioner)
)
 v.)
)
Vandous E. Stripling,)
 Registrant)

Cancellation No. 92050200

PETITIONER’S FIRST SET OF INTERROGATORIES TO REGISTRANT

Petitioner, Game Sportswear, Ltd. ("Petitioner"), through counsel and pursuant to Rule 2.120 of the Trademark Rules of Practice and Rule 33 of the Federal Rules of Civil Procedure, hereby requests that Vandous E. Stripling (“Registrant”) answer the following Interrogatories, under oath and in writing, within thirty (30) days after service hereof:

DEFINITIONS

1. "Vandous E. Stripling" or "Registrant" shall mean Vandous E. Stripling, his affiliated corporations and all of their officers, directors, employees, agents, attorneys, subsidiaries, predecessors or successors in interest, assignees, licensees and any other Person or entity acting on their behalf or subject to their control.
2. "Petitioner" shall mean, collectively, Game Sportswear, Ltd, its affiliated corporations and their officers, directors, employees, agents, attorneys, predecessors or successors in interest with respect to the mark GAME, assignees, licensees and any other Person or entity acting on behalf of Petitioner.
3. "You" and "your" shall refer to Registrant as defined in Paragraph 1 above.
4. "Mark" shall mean the designation "GAME" that is the subject of United States Trademark Registration **2720097** for certain goods in International Class 025.
5. "Application" shall mean United States Trademark Application Serial No. 78074635 to register GAME.
6. "PTO" shall mean the United States Patent and Trademark Office and "Board" shall mean the Trademark Trial and Appeal Board.

7. "Document" is used in its customary, broad sense under the Federal Rules of Civil Procedure and includes every writing or record of every type and description, including but not limited to correspondence; memoranda; tapes; stenographic or handwritten notes; email; voice recordings; transcriptions (including of or in the form of summaries of telephone calls, recordings, "voice mail" or the like); computer or computerized data, records, files, CD-ROMs, DVDs, discs, or tapes; artwork; advertising; literature; packaging; catalogs; drawings; sketches; graphs; photographs; pictures; films; books; pamphlets; studies; publications; reports; surveys; minutes; statistical computations; and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form; and every copy of every such writing or record where such copy is not an identical copy of an original or where such copy contains any commentary, marking, or notation whatsoever that does not appear on the original.

8. "Identify" with respect to a natural person or group of natural persons shall mean to provide, to the extent known, the following information: the name, job title, current or last known home address and home telephone number, last known place of employment, and the address and telephone number of such place of employment.

9. "Identify" with respect to a business entity shall mean to provide the name of such business entity, its last known business address and telephone number, the jurisdiction under whose laws it is organized and the jurisdiction in which it maintains its principal place of business.

10. "Identify" with respect to a Document shall mean to provide, to the extent known, the following information: the title and date of the Document, if any, its author, addressees and recipients, and a description of its contents.

11. "Describe with particularity" means to give the date and a full and complete narrative account of the information requested without omission of any information, whether or not deemed by you to be admissible or inadmissible at trial, that is reasonably calculated to lead to the discovery of admissible evidence.

12. "Person" shall mean any natural person, group of natural persons, corporation, company, unincorporated association, partnership, joint venture, or other business, legal or governmental entity or association.

13. The conjunctive form "and" and the disjunctive form "or" shall be mutually interchangeable and shall not be construed to limit any discovery request.

14. The terms "any" and "all" shall be mutually inter-changeable and shall not be construed to limit any discovery request.

15. The term "concerning" means pertaining to, relating to, referring to, describing, evidencing or constituting.

16. The singular and the plural shall be mutually interchangeable, and usage of words either in the singular or plural in discovery requests shall not be construed to limit any such request.

17. The present tense shall be construed to include the past tense, and vice versa, to make the discovery request inclusive rather than exclusive.

INSTRUCTIONS

1. If you refuse to answer any discovery request in whole or in part based on a claim that any privilege applies to the information sought, state the privilege and describe the factual basis for your claim of privilege with such specificity as will permit the Board to determine the legal sufficiency of the claim of privilege.

2. Each paragraph and subparagraph hereof and the definitions herein are to be construed independently, and not by or with reference to any other paragraph or subparagraph or definition herein, if such reference to any other paragraph or subparagraph or definition herein would limit the scope of any particular discovery request or the subject matter thereof.

3. If any of these discovery requests cannot be answered in full, you are to answer to the fullest extent possible, specifying the reason for your inability to answer the remainder, and stating what information, knowledge or belief you have concerning the unanswered portion.

4. These discovery requests shall be deemed to be continuing. You are under a duty to supplement, correct or amend your response to any of these discovery requests if you learn that any response is in some material respect incomplete or incorrect and if the additional or corrective information has not otherwise been made known to Applicant during the discovery process or in writing.

INTERROGATORIES

1. Identify each Person who participated in any manner in the adoption, selection, and/or clearance of the Mark for use in connection with the goods or services listed in the Application, and describe each Person's knowledge thereof.

ANSWER:

2. Describe with particularity the factors and circumstances that led to the decision to adopt the Mark for use in connection with the goods or services listed in the Application.

ANSWER:

3. Was a trademark search conducted prior to adopting use of the Mark; and, if there was, what were the results of the search?

ANSWER:

4. Was a trademark search conducted prior to filing the Application; and, if there was, what were the results of the search?

ANSWER:

5. State with specificity the date of first use in commerce, if any, by Registrant of the Mark in connection with each of the goods listed in the Application.

ANSWER:

6. Describe each way in which Registrant uses the Mark whether or not the Registrant considers such use to be a trademark use, and indicate which uses the Registrant considers to be trademark uses.

ANSWER:

7. State, both in units and to the nearest thousands of dollars, the volume of sales of goods sold by Registrant in connection with the Mark for each month since the date of first sale of any such goods through the present, listing by the state into which the goods were sold.

ANSWER:

8. Indicate, by type, the customers to whom the Registrant has sold goods bearing the Mark, e.g. retailer, wholesaler, individual, corporation, other organization, and indicate the number of customers for each type.

ANSWER:

9. Indicate the states in which the Registrant has sold goods bearing the Mark and, in a separate list, the states in which the Registrant plans to sell goods bearing the Mark.

ANSWER:

/tag/

Thomas A Gallagher
Attorney for Petitioner

THOMAS A GALLAGHER, ESQ..
107 Barclay Drive
Stamford, CT 06903

(203) 329-9898

Certificate of Service

I, Thomas A. Gallagher, attorney for the Petitioner, certify that a true copy of the foregoing Petitioner's First Set of Interrogatories To Registrant was served by me by electronic mail addressed to: game97@juno.com on June 12, 2009.

/tag/

Thomas A Gallagher
Attorney for Petitioner

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark Registration No.: **2720097**

For the mark: **GAME**

Registered: **May 27, 2003**

Game Sportswear, Ltd.,)	
Petitioner)	
)	
v.)	Cancellation No. 92050200
)	
Vandous E. Stripling,)	
Registrant)	

**PETITIONER’S FIRST REQUEST TO REGISTRANT FOR PRODUCTION OF
DOCUMENTS**

In accordance with Rules 26 and 34 of the Federal Rules of Civil Procedure and 37 C.F.R. §2.120, Petitioner, Game Sportswear, Ltd. ("Petitioner"), through counsel hereby requests that Vandous E. Stripling (“Registrant”) produce for inspection and copying the Documents and things identified below at the offices of Thomas A. Gallagher, Esq., 107 Barclay Drive, Stamford, CT 06903, or at such other place as may be agreed upon by the parties, within thirty (30) days after service hereof.

DEFINITIONS AND INSTRUCTIONS

1. "Document" is used in its customary, broad sense under the Federal Rules of Civil Procedure and includes every writing or record of every type and description, including but not limited to correspondence; memoranda; tapes; stenographic or handwritten notes; email; voice recordings; transcriptions (including of or in the form of summaries of telephone calls, recordings, "voice mail" or the like); computer or computerized data, records, files, CD-ROMs, DVDs, discs, or tapes; artwork; advertising; literature; packaging; catalogs; drawings; sketches; graphs; photographs; pictures; films; books; pamphlets; studies; publications; reports; surveys; minutes; statistical computations; and other data compilations from which information can be obtained, translated, if necessary, through detection devices into reasonably usable form; and every copy of every such writing or record where such copy is not an identical copy of an original or where such copy contains any commentary, marking, or notation whatsoever that does not appear on the original.

2. "Interrogatory" and "Interrogatories" as used in these requests refer to Petitioner's First Set of Interrogatories to Registrant served concurrently herewith.

3. The "Definitions" and "Instructions" in the Interrogatories are incorporated by reference as if fully set forth here.

4. As to the manner of this production, Petitioner specifies: (i) that the Documents and things shall be organized for production to correspond with the categories of these requests

or in the same order as they are kept or maintained in the ordinary course of business; (ii) that the Documents and things produced shall be numbered; (iii) that Registrant's written response to these requests shall, by reference to such numbers, accurately show what Documents and things are being produced in response thereto; and (iv) that the Documents and things shall then and there be copied by Petitioner to the extent such copying is desired.

REQUESTS FOR PRODUCTION

1. All Documents that can be used by the Registrant to prove use of the mark GAME on clothing in commerce as of March 5, 2002.

RESPONSE:

2. Sample goods or photographs of sample goods listed in Registration 2720097 and bearing the mark GAME, i.e. "T-shirts, shirts, sweat shirts, sweat pants, pants, shorts, hats, caps, visors, socks, underwear, shoes, sandals, jackets, coat." In other words, one sample or photo of each of the clothing items listed showing use of the mark on the clothing item.

RESPONSE:

3. All Documents that describe, discuss or relate to any trademark search by the Registrant or his representatives involving the mark GAME.

RESPONSE:

4. All Documents that describe, discuss or relate to the volume of sales over the last 5 years of goods bearing the Registrant's mark.

RESPONSE:

5. All Documents that can be used by the Registrant to support Registrant's answers to Petitioner's Interrogatories.

RESPONSE:

/tag/

Thomas A Gallagher
Attorney for Petitioner

THOMAS A GALLAGHER, ESQ..
107 Barclay Drive
Stamford, CT 06903

(203) 329-9898

tomgallagher@mac.com

Certificate of Service

I, Thomas A. Gallagher, attorney for the Petitioner, certify that a true copy of the foregoing Petitioner's First Request To Registrant For Production Of Documents was served by me by electronic mail addressed to: game97@juno.com on June 12, 2009.

/tag/

Thomas A Gallagher
Attorney for Petitioner

EXHIBIT D

From: "game97@juno.com" <game97@juno.com>
Date: June 22, 2009 11:28:37 AM EDT
To: tomgallagher@mac.com
Subject: Game Info

Mr. Gallagher,

In response to the information you requested.

1. What products do you sell?

Currently GAG, Inc. sells the following apparel under the GAME brand: T-Shirts {short sleeve, sleeveless, long sleeve} Hooded Sweatshirts, Sweatshirts, Sweat pants, Warm-up pants, Caps, Knitted hats and Ear warmers.

2. What states do you sell in?

GAG, Inc. has sold and or is selling GAME branded apparel in the following states: Texas, Louisiana, Arkansas, Oklahoma, Mississippi, Alabama, Arizona, Georgia, Colorado, Kentucky, Tennessee, Florida, Nebraska, Illinois, Missouri, Iowa, North Carolina, South Carolina, Virginia, Nevada and California.

3. Who are your customers?

GAG, Inc's customers consist of: Retail stores i.e. (Small mom & pop sporting good stores, hip-hop clothing stores and urban/street wear clothing stores), Box retail clothing stores and direct customers.

1. Send pictures.

Pictures are attached and other will follow.

* Note: GAG, Inc. will be re-launching its website July/Aug 2009 with e-commerce ability as well as opening its first GAME branded retail store spring/summer 2010.

[Advance your career with Six Sigma training. Click now!](#)





06/01/2009



06/02/2009

GGCN100	Navy/White						
GGCN101	Navy/Silver						
GGCN102	Navy/Powder Blue						
GGCN103	Navy/Orange						
GGCH100	Heather/Black						
GGCH101	Heather/Navy						
GGCEW100	White/Black						
GGCEW101	White/Royal Blue						
GGCEW102	White/Neon Green						
GGCEW103	White/Forest Green						
GGCEN100	Navy/White						
GGCEN101	Navy/Silver						
GGCEN102	Navy/Powder Blue						
GGCEN103	Navy/Neon Green						
GGCEH100	Heather/Black						
GGCEH101	Heather/Navy						
GGCEH102	Heather/Red						
TOTAL							

CONDITIONS OF TRADING

- MINIMUMS:** Orders are as follows, 48 pcs. per stock, 12 pcs. per size. Orders are in dozen only.
- SHIPPING:** Our policy is to process all orders as quickly as possible. All orders are shipped via UPS unless otherwise instructed. Damaged packages received from UPS need to be inspected by UPS. Shipping charges will be added to the total price. All unclaimed or refused shipments are subject to a 35% restocking fee in addition to freight charges. This may result in selling on a prepaid basis only in the future.
- CANCELLATION:** Game Sports must be notified within 48 hours by written or telegraphic communication to cancel any order. Orders cancelled after this time frame will be charged 50% of the total order price.
- PAYMENT:** Game Sports accepts company checks, certified checks and money orders only, unless otherwise approved by us. Any and all late payments will be charged a 10% late fee everyday late thereafter. All new accounts are subject to a background check before any transactions are conducted. Game Sports reserves the right to refuse the sale of merchandise to any prospective account that may (1) cause a locality conflict with an existing account holder (2) does not meet the Game Sports standard of quality.

GGSSW100	White/Black						
GGSSH100	Heather/Black						
GGSBW100	White/Orange						
GGSDN100	Navy/White						
GGSDH100	Heather/Black						
TOTAL							

Big Game Series

"Either you've got it or you don't"

Stock #	Shirt/Style Color	S	M	L	1X	2X	T
BGOW100	White/Brown-Yellow						
BGOH100	Heather/Grn-Yellow						
BGBH100	Heather/Red-Black						
BGBH101	Heather/Maroon-Whi						
BGBH102	Heather/Navy-White						
BGBBW100	Whi/Pro.Blue-Red						
BGBBW101	Whi/Royal Blue-Blk						
BGBBN100	Navy/Red-White						
BGBBH100	Heather/Red-Black						
TOTAL							

Top Game Series

"Either you've got it or you don't"

Stock #	Shirt/Style Color	S	M	L	1X	2X	T
TGCW100	White/Red-Pro. Blue						
TGCW101	White/Navy-Orange						
TGCW102	Whi/Kel.Grn-Pro.Blue						
TGCN100	Navy/Red-White						
TGCH100	Hthr/Trst.Grn-Yellow						
TGCH101	Hthr/Pwdr.Blue-Navy						
TGOW100	White/Red-Black						
TGOW101	White/Red-Black						
TGON100	Navy/Red-White						

06/02/2009

Name _____
 Company _____
 Street _____
 City, State, Zip _____
 Special Instructions _____

Game Classic

"Either you've got it or you don't"

Stock #	Shirt/Style Color	S	M	L	XL	2X	Total Units
602X100	White/Black						
602X101	White/White						
602X102	White/Forest Green						
602X103	White/Red						
602X104	White/White						
602X105	White/White						
602X106	White/White						
602X107	White/White						
602X108	White/White						
602X109	White/White						
602X110	White/White						
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602X223	White/White						
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602X299	White/White						
602X300	White/White						

CONDITIONS OF TRADING

1. **MINIMUM:** Orders are at \$100.00, \$200.00, \$400.00, \$800.00, \$1,600.00, \$3,200.00, \$6,400.00, \$12,800.00, \$25,600.00, \$51,200.00, \$102,400.00, \$204,800.00, \$409,600.00, \$819,200.00, \$1,638,400.00, \$3,276,800.00, \$6,553,600.00, \$13,107,200.00, \$26,214,400.00, \$52,428,800.00, \$104,857,600.00, \$209,715,200.00, \$419,430,400.00, \$838,860,800.00, \$1,677,721,600.00, \$3,355,443,200.00, \$6,710,886,400.00, \$13,421,772,800.00, \$26,843,545,600.00, \$53,687,091,200.00, \$107,374,182,400.00, \$214,748,364,800.00, \$429,496,729,600.00, \$858,993,459,200.00, \$1,717,986,918,400.00, \$3,435,973,836,800.00, \$6,871,947,673,600.00, \$13,743,895,347,200.00, \$27,487,790,694,400.00, \$54,975,581,388,800.00, \$109,951,162,777,600.00, \$219,902,325,555,200.00, \$439,804,651,110,400.00, \$879,609,302,220,800.00, \$1,759,218,604,441,600.00, \$3,518,437,208,883,200.00, \$7,036,874,417,766,400.00, \$14,073,748,835,532,800.00, \$28,147,497,671,065,600.00, \$56,294,995,342,131,200.00, \$112,589,990,684,262,400.00, \$225,179,981,368,524,800.00, \$450,359,962,737,049,600.00, \$900,719,925,474,099,200.00, \$1,801,439,850,948,198,400.00, \$3,602,879,701,896,396,800.00, \$7,205,759,403,792,793,600.00, \$14,411,518,807,585,587,200.00, \$28,823,037,615,171,174,400.00, \$57,646,075,230,342,348,800.00, \$115,292,150,460,684,697,600.00, \$230,584,300,921,369,395,200.00, \$461,168,601,842,738,790,400.00, \$922,337,203,685,477,580,800.00, \$1,844,674,407,370,955,161,600.00, \$3,689,348,814,741,910,323,200.00, \$7,378,697,629,483,820,646,400.00, \$14,757,395,258,967,641,292,800.00, \$29,514,790,517,935,282,585,600.00, \$59,029,581,035,870,565,171,200.00, \$118,059,162,071,741,130,342,400.00, \$236,118,324,143,482,260,684,800.00, \$472,236,648,286,964,521,369,600.00, \$944,473,296,573,929,042,739,200.00, \$1,888,946,593,147,858,085,478,400.00, \$3,777,893,186,295,716,170,956,800.00, \$7,555,786,372,591,432,341,913,600.00, \$15,111,572,745,182,864,683,827,200.00, \$30,223,145,490,365,729,367,654,400.00, \$60,446,290,980,731,458,735,316,800.00, \$120,892,581,961,462,917,470,633,600.00, \$241,785,163,922,925,834,941,267,200.00, \$483,570,327,845,851,669,

BILL TO:

Name: _____

Company: _____

Street: _____

City, State, Zip: _____

Special Instructions: _____

SHIP TO:

Name: _____

Company: _____

Street: _____

City, State, Zip: _____

Special Instructions: _____

Game Classic

"Either you've got it or you don't"

Stock #	Shirt/Style Color	S	M	L	1X	2X	Total Units
GGCW100	White/Black						
GGCW101	White/Navy						
GGCW102	White/Forest Green						
GGCW103	White/Red						
GGCN100	Navy/White						
GGCN101	Navy/Silver						
GGCN102	Navy/Powder Blue						
GGCN103	Navy/Orange						
GGCH100	Heather/Black						
GGCH101	Heather/Navy						
GGCW100	White/Black						

Game Sport

Stock #	Shirt/Style Color
GGSW100	White
GGSN100	Navy
GGSN101	Navy
GGSH100	Heather
GGNSW100	White
GGSSH100	Heather
GGSBW100	White
GGSDN100	Navy
GGSDH100	Heather
TOTAL	

06/02/2009

From: "game97@juno.com" <game97@juno.com>
Date: June 22, 2009 11:49:41 AM EDT
To: tomgallagher@mac.com
Subject: Game Info Cont...

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DESIGNED FOR EXCELLENCE

Play Hard!

06/02/2009



06/02/2009

GAME

06/02/2009

game

06/02/2009

game

06/02/2009

GAIME

06/02/2009

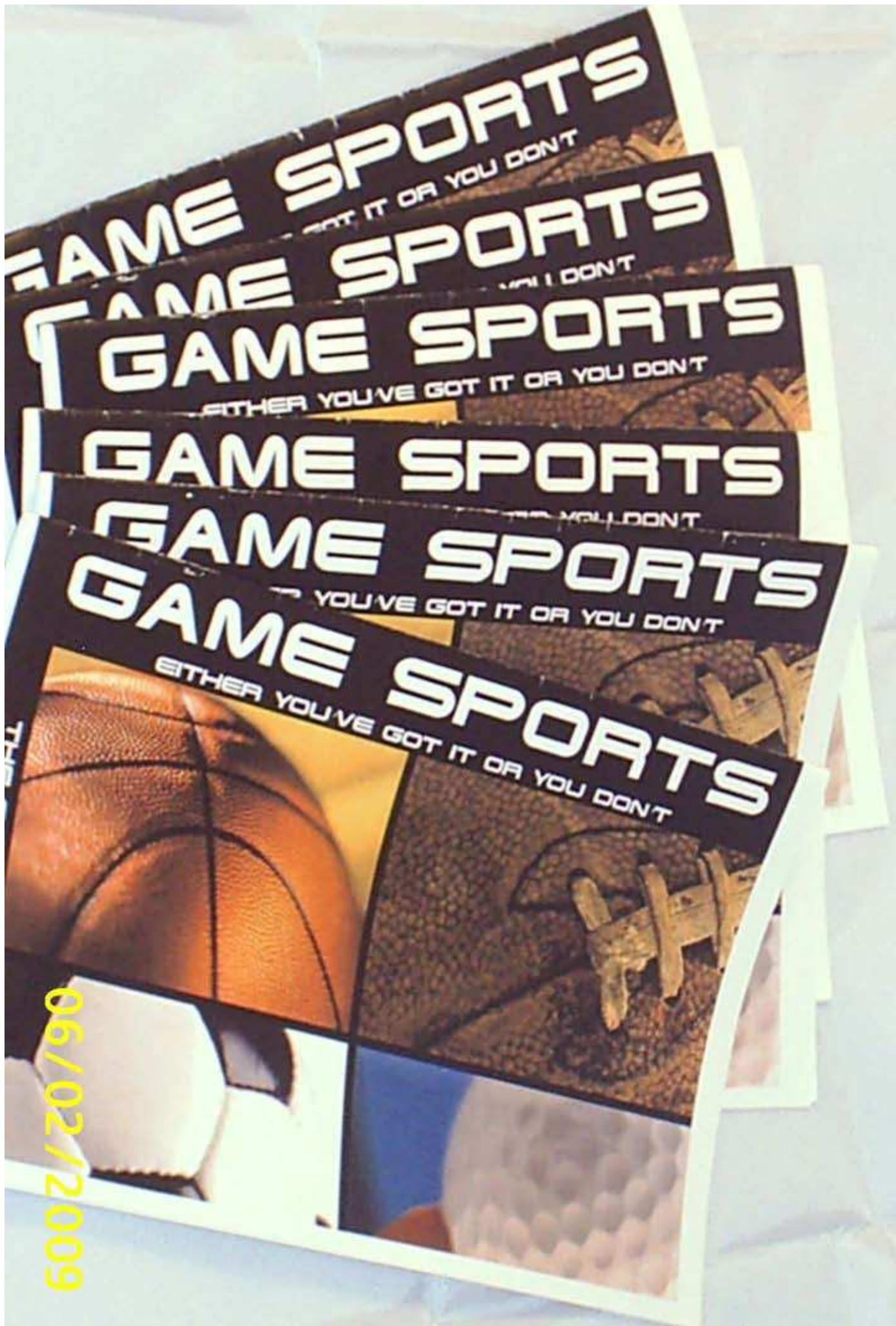
GAME

06/02/2009

From: "game97@juno.com" <game97@juno.com>
Date: June 22, 2009 11:50:38 AM EDT
To: tomgallagher@mac.com
Subject: Game Info Cont...

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Play Hard!

06/02/2009

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GAME

GAME

06/02/2009



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Play Hard!

06/02/2009

From: "game97@juno.com" <game97@juno.com>
Date: July 7, 2009 10:43:51 PM EDT
To: tomgallagher@mac.com
Subject: Re: Game Info Cont...

Mr Gallagher

I have additional pictures going back to 1997 with us at conventions and other locations marketing the GAME brand.

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: Rico Genovese <ricog@gamesportswear.com>
Subject: Re: Game Info Cont...
Date: Tue, 30 Jun 2009 09:30:58 -0400

Dear Mr. Stripling:

Are the three emails yo sent on June 22 your complete response to our discovery request? If not, when can we receive the remainder of your response?

Tom Gallagher

On Jun 22, 2009, at 11:50 AM, game97@juno.com wrote:

[Compete with the big boys. Click here to find products to benefit your business.](#)
<Game019.JPG><Game010.JPG><Game011.JPG><Game014.JPG><Game016.JPG><Game018.JPG>

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From: "game97@juno.com" <game97@juno.com>
Date: July 7, 2009 10:47:11 PM EDT
To: tomgallagher@mac.com
Cc: ricog@gamesportswear.com
Subject: Re: Game Info Cont...

Mr Gallagher,

I have other pictures going back to 1997 at conventions and other locations marketing and selling the GAME brand.

Van Stripling

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: Rico Genovese <ricog@gamesportswear.com>
Subject: Re: Game Info Cont...
Date: Tue, 30 Jun 2009 09:30:58 -0400

Dear Mr. Stripling:

Are the three emails yo sent on June 22 your complete response to our discovery request? If not, when can we receive the remainder of your response?

Tom Gallagher

On Jun 22, 2009, at 11:50 AM, game97@juno.com wrote:

[Compete with the big boys. Click here to find products to benefit your business.](#)

<Game019.JPG><Game010.JPG><Game011.JPG><Game014.JPG><Game016.JPG><Game018.JPG>

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From: "game97@juno.com" <game97@juno.com>
Date: July 13, 2009 2:58:53 PM EDT
To: tomgallagher@mac.com
Cc: ricog@gamesportswear.com
Subject: Re: Game Info Cont...

Mr. Gallagher,

I sent an email asking if you wanted the other pictures dating as far back to 1997 but I did not receive a response. I know you are taking care of alot of things so I am sending the others as well.

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: Rico Genovese <ricog@gamesportswear.com>
Subject: Re: Game Info Cont...
Date: Tue, 30 Jun 2009 09:30:58 -0400

Dear Mr. Stripling:

Are the three emails yo sent on June 22 your complete response to our discovery request? If not, when can we receive the remainder of your response?

Tom Gallagher

On Jun 22, 2009, at 11:50 AM, game97@juno.com wrote:

[Compete with the big boys. Click here to find products to benefit your business.](#)
<Game019.JPG><Game010.JPG><Game011.JPG><Game014.JPG><Game016.JPG><Game018.JPG>

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From: "game97@juno.com" <game97@juno.com>
Date: July 13, 2009 3:03:21 PM EDT
To: tomgallagher@mac.com
Cc: ricog@gamesportswear.com
Subject: Re: Game Info Cont...

Other pictures.

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: Rico Genovese <ricog@gamesportswear.com>
Subject: Re: Game Info Cont...
Date: Tue, 30 Jun 2009 09:30:58 -0400

Dear Mr. Stripling:

Are the three emails yo sent on June 22 your complete response to our discovery request? If not, when can we receive the remainder of your response?

Tom Gallagher

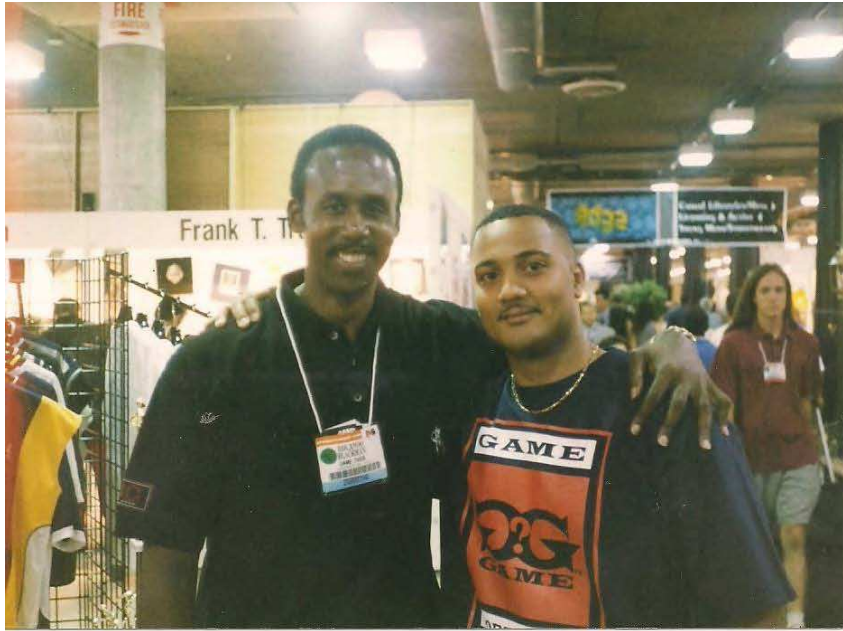
On Jun 22, 2009, at 11:50 AM, game97@juno.com wrote:

[Compete with the big boys. Click here to find products to benefit your business.](#)

<Game019.JPG><Game010.JPG><Game011.JPG><Game014.JPG><Game016.JPG><Game018.JPG>

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From: "game97@juno.com" <game97@juno.com>
Date: July 13, 2009 3:57:52 PM EDT
To: tomgallagher@mac.com
Cc: ricog@gamesportswear.com
Subject: Re: Game Info Cont...

Okay sir I will recheck the information. I sent two other emails back in June as well. Checking now.

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: ricog@gamesportswear.com
Subject: Re: Game Info Cont...
Date: Mon, 13 Jul 2009 15:18:18 -0400

Mr. Stripling:

What I WANT was what was asked for in the discovery requests previously sent to you. I will assume that you wish that these new photos supplement your reply to the discovery requests.

Tom Gallagher

On Jul 13, 2009, at 2:58 PM, game97@juno.com wrote:
[Mr. Gallagher](#),

[I sent an email asking if you wanted the other pictures dating as far back to 1997 but I did not receive a response. I know you are taking care of alot of things so I am sending the others as well.](#)

----- Original Message -----

From: tom gallagher <tomgallagher@mac.com>
To: game97@juno.com
Cc: Rico Genovese <ricog@gamesportswear.com>
Subject: Re: Game Info Cont...
Date: Tue, 30 Jun 2009 09:30:58 -0400

Dear Mr. Stripling:

[Are the three emails yo sent on June 22 your complete response to our discovery request? If not, when can we receive the remainder of your response?](#)

Tom Gallagher

On Jun 22, 2009, at 11:50 AM, game97@juno.com wrote:

[Compete with the big boys. Click here to find products to benefit your business.](#)

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<Van's Game Pictures.jpg><Van's Game Pictures 001.jpg><Van's Game Pictures 002.jpg><Van's Game Pictures 003.jpg><Van's Game Pictures 004.jpg><Van's Game Pictures 005.jpg><Van's Game Pictures 006.jpg><Van's Game Pictures 007.jpg><Van's Game Pictures 008.jpg>

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From: "game97@juno.com" <game97@juno.com>
Date: July 20, 2009 9:00:44 AM EDT
To: tomgallagher@mac.com

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark Registration No.: **2720097**
For the mark: **GAME**
Registered: **May 27, 2003**

MEMORANDUM FOR DISCOVERY CONFERENCE

In view of the upcoming Discovery Conference scheduled for July 3, 2009, the Petitioner would like to set forth facts regarding attempted settlement talks and attempted informal discovery.

In December 2008, the undersigned spoke by telephone with the Registrant and indicated that settlement was possible if the Registrant could provide certain information upon which a settlement might be structured. This information included:

i) specimens showing use of the mark on the goods listed in the registration (preferably digital photos of the goods bearing the mark);

Response: Pictures were provided to Petitioner showing mark used on clothing dating as far back as 1997

ii) a description of the Registrant's customers, e.g. retailers, wholesalers, individuals, corporations, other organizations that Registrant has sold to and the same for customers that Registrant intends to sell to;

Response: A description of customers was provided to Petitioner

iii) an identification of the states in which Registrant has sold his product and the states in which the Registrant intends to sell his product; and

Response: List of states in which Registrant has sold it product was provided to Petitioner. Registrant intends to sell in all 50 states and around the world in every country.

iv) approximate volume of sales over the last 5 years, listing sales per state.

Response: Sales volume over the last 5 years is less than a 100k per year.

From: "game97@juno.com" <game97@juno.com>

Date: July 20, 2009 9:07:11 AM EDT

To: tomgallagher@mac.com

Subject: Mark

Mr. Gallagher,

Your client could register G Game Sportswear as their mark and I would be okay with that but not just "Game" as their mark.

Vandous Stripling

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